



January 5, 2024

VIA ECF

The Honorable Loretta A. Preska
District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: ***Giuffre v. Maxwell*, Case No. 15-cv-7433-LAP**

Dear Judge Preska,

Pursuant to the Court's December 18, 2023, unsealing order, and following conferral with Defendant, Plaintiff files this set of documents ordered unsealed. The filing of these documents ordered unsealed will be done on a rolling basis until completed. This filing also excludes documents pertaining to Does 105 (*see* December 28, 2023, Email Correspondence with Chambers), 107, and 110 (*see* ECF No. 1319), while the Court's review of those documents is ongoing.

Respectfully,

/s/ Sigrid S. McCawley
Sigrid S. McCawley

cc: Counsel of Record (via ECF)

COMPOSITE
EXHIBIT 7
(File Under Seal)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

Case No. :
15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendant.

- - - - - x

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Continued Videotaped Deposition of
GHISLAINE MAXWELL, the Defendant herein,
taken pursuant to subpoena, was held at
the law offices of Boies, Schiller &
Flexner, LLP, 575 Lexington Avenue, New
York, New York, commencing July 22,
2016, 9:04 a.m., on the above date,
before Leslie Fagin, a Court Reporter
and Notary Public in the State of New
York.

- - -
MAGNA LEGAL SERVICES
1200 Avenue of the Americas
New York, New York 10026
(866) 624-6221

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2 A. I think everyone here can
3 understand what intercourse is, is when you
4 have sex. I don't know how to say
5 intercourse any other way, having sex with
6 somebody. Perhaps you would like to define
7 it for me.

8 Q. I'm trying to get your definition
9 right now because you are the witness. When
10 you use the term intercourse, what are you
11 referring to?

12 A. I'm referring to a penis entering
13 someone's vagina.

14 Q. Now, have you ever engaged in oral
15 sex?

16 A. In my life?

17 MR. PAGLIUCA: There are specific
18 areas that the court has allowed inquiry
19 into, and those are delineated in the
20 court's order of June 20th. The
21 open-ended "Have you ever engaged in
22 oral sex" is not part of the court's
23 order at page 10, and the court
24 specifically indicated that sexual
25 activity of third parties who bear no

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1 G. Maxwell - Confidential

2 anyone in any of Mr. Epstein's five homes
3 that you have identified?

4 A. Yes.

5 Q. With whom?

6 A. Mr. Epstein.

7 Q. Did you ever have oral sex with
8 anyone in any of Mr. Epstein's five homes
9 that you've identified other than
10 Mr. Epstein?

11 MR. PAGLIUCA: I'm going to
12 instruct you not to answer, unless you
13 tie it to a specific individual related
14 to this case per the court's order.

15 MR. BOIES: I think the court's
16 order specifically permits this question
17 with respect to occasions related to
18 this case. If you instruct her not to
19 answer, all you're going to do is bring
20 her back. That's up to you.

21 MR. PAGLIUCA: It's up to you as
22 the questioner, Mr. Boies. The court's
23 order says the defendant need not answer
24 questions that relate to none of these
25 subjects or that is clearly not relevant

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2 Johanna?

3 A. I would not know. I would say no.

4 Q. Did you engage in sexual activities
5 with Johanna?

6 A. No.

7 Q. Do you know how Johanna came to
8 know Mr. Epstein?

9 A. I met her at her university and she
10 came to answer phones.

11 Q. When you say she came to answer
12 phones, where?

13 A. In Palm Beach.

14 Q. At Mr. Epstein's home in Palm
15 Beach?

16 A. Yes.

17 Q. So is it fair to say that Johanna
18 was initially hired to answer telephones,
19 according to your testimony?

20 MR. PAGLIUCA: This has already
21 been testified to Mr. Boies. We are
22 repeating testimony now.

23 MR. BOIES: I think in the context
24 of the witness' answers, these are fair
25 questions.

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2 Now, I've asked you before, if you
3 want to instruct her not to answer, if
4 you want to go to the judge, we are
5 happy to do that, but I would suggest,
6 in the interest of moving it along, that
7 you stop these speeches.

8 MR. PAGLIUCA: You are not moving
9 it along is the problem, so maybe we
10 should call the court and get some
11 direction here, because I am not going
12 to sit here and rehash the testimony we
13 already gave.

14 MR. BOIES: That's fine.

15 THE VIDEOGRAPHER: The time is
16 10:51 a.m. and we are going off the
17 record.

18 (Whereupon, an off-the-record
19 discussion was held.)

20 THE VIDEOGRAPHER: The time is
21 10:56 a.m. and we are going back on the
22 record. This begins DVD No. 3.

23 MR. BOIES: We have just had a call
24 with Judge Sweet's chambers, Judge Sweet
25 is not available and his chambers

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2 or argue this in front of Judge Sweet.

3 But I will simply start referring
4 you back to the transcript and
5 instructing the witness not to answer
6 when I think we are getting into some
7 things that have been asked and answered
8 already.

9 MR. BOIES: Exactly the procedure
10 that I have proposed from the beginning.
11 If you think a question is out of
12 bounds, instruct not to answer and we
13 will then let the judge decide it.

14 BY MR. BOIES:

15 Q. How did it happen, Ms. Maxwell,
16 that Johanna, who had been hired to answer
17 the phones, ended up giving massages to you
18 and Mr. Epstein?

19 MR. PAGLIUCA: I'm going to
20 instruct you not to answer the question.
21 This has been previously, the subject of
22 your former deposition, it doesn't fall
23 into any of the categories ordered by
24 the court, and so you don't need to
25 answer that.

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2 Q. Was Johanna paid for the massages
3 that she gave you?

4 A. I didn't pay her, so I believe she
5 was paid.

6 Q. Who paid her?

7 A. I don't know who paid her.

8 MR. PAGLIUCA: Again, you've
9 already answered that there was no
10 sexual activity between yourself and
11 Mr. Epstein related to these massages.
12 That's record testimony today. That's
13 within the scope of the court's order.
14 The rest of this is outside the scope of
15 the court's order, and I instruct you
16 not to answer.

17 MR. BOIES: You are taking the
18 position that as long as she said says
19 that a massage did not involve sexual
20 activity, we cannot ask about massages.
21 That's your view?

22 MR. PAGLIUCA: On this particular
23 questioning, yes.

24 BY MR. BOIES:

25 Q. Did Mr. Epstein pay Johanna for the

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2 massages that she gave Mr. Epstein?

3 MR. PAGLIUCA: You just asked this
4 question, and I told her not to answer.
5 I will tell her not to answer again for
6 the same reasons.

7 Q. Do you know how much Mr. Epstein
8 paid Johanna to give massages?

9 MR. PAGLIUCA: Same instruction to
10 the witness. Why do you believe this is
11 within the scope of the court's order?

12 MR. BOIES: Because of the court's
13 reference to massages, and because I
14 think how much a girl who was hired to
15 answer the phone was paid to give a
16 "massage" goes to whether there actually
17 was or was not sexual activity involved.

18 MR. PAGLIUCA: The witness has
19 testified there wasn't.

20 MR. BOIES: Perhaps it will
21 surprise you, I think it should not,
22 that I do not believe in my deposition I
23 need to simply accept her
24 characterization without
25 cross-examination. Now, that's

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2 something the judge can decide, but a
3 question as to how much this young girl
4 was being paid for a "massage", I think
5 goes directly to the issue of sexual
6 activity.

7 MR. PAGLIUCA: Here is the problem,
8 Mr. Boies, at the first deposition,
9 there were very limited instructions not
10 to answer and the witness was not told
11 not to answer questions about how much
12 people were paid or not paid or any of
13 those subject matters. The witness was
14 only instructed not to answer about
15 sexual activity concerning adults in the
16 home.

17 None of this came up during the
18 deposition, and you just don't get a
19 chance to redo the deposition because
20 you feel like you want to.

21 So the judge's order is in the
22 context of the instructions to the
23 witness not to answer in the first
24 deposition, which is simply sexual
25 activity involving adults, which was the

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2 were sex toys or devices used in sexual
3 activities in Mr. Epstein's property in the
4 Virgin Islands?

5 MR. PAGLIUCA: Objection to form
6 and foundation.

7 A. No.

8 Q. Do you know whether Mr. Epstein
9 possessed sex toys or devices used in sexual
10 activities?

11 MR. PAGLIUCA: Objection to form
12 and foundation.

13 A. No.

14 Q. Did you ever assist Mr. Epstein in
15 obtaining sex toys or devices used in sexual
16 activities?

17 MR. PAGLIUCA: Objection to form
18 and foundation.

19 A. No.

20 Q. In the 1990s and 2000s, did you
21 ever have possession of or use sex toys or
22 devices used in sexual activities?

23 A. No.

24 Q. Did you, in the 1990s and 2000s,
25 engage in sexual activities other than

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2 intercourse with women other than what you
3 have testified to already?

4 MR. PAGLIUCA: First of all, I
5 object to the form and foundation and
6 it's also outside of the court's order
7 because it's unclear as you question,
8 and I specifically direct you to the
9 last line of the court's order: Sexual
10 activity of third parties who bear no
11 knowledge or relation to key events,
12 individuals or locations in this case.

13 MR. BOIES: This simply asks yes or
14 no, and I think that it is an
15 appropriate question given some of the
16 witness' prior answers, but there is no
17 point in debating it, because if you
18 instruct her not to answer, the judge
19 will decide whether it's appropriate.

20 MR. PAGLIUCA: I'm just telling you
21 if you tie it to something in this case,
22 I will let her answer.

23 MR. BOIES: Are you instructing her
24 not to answer?

25 MR. PAGLIUCA: Yes, unless you tie

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2 A. I don't recall ever hearing such a
3 thing.

4 Q. You know Mr. Les Wexner, correct?

5 A. I do.

6 Q. Do you know whether or not Maria
7 Farmer was ever at Mr. Wexner's property in
8 Ohio?

9 MR. PAGLIUCA: Can you tell me how
10 that relates to this order, counselor?

11 MR. BOIES: Yes, I think it goes
12 directly to the sexual activity related
13 to Maria Farmer and what Mr. Epstein was
14 doing with Maria Farmer.

15 Again, you can instruct not to
16 answer.

17 MR. PAGLIUCA: I'm trying to
18 understand why you are asking these
19 questions before I --

20 MR. BOIES: I'm asking these
21 questions because these are people who
22 not only have been publicly written
23 about in terms of the sexual activity
24 that they were put into in connection
25 with Mr. Epstein, but the person who

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1 G. Maxwell - Confidential
2 wrote about them is somebody who talked
3 to this witness about it, and I think
4 that this is more than easily understood
5 cross-examination.

6 MR. PAGLIUCA: Your question was,
7 do you know whether or not Maria Farmer
8 was ever at Mr. Wexner's property in
9 Ohio.

10 MR. BOIES: Yes. And if you let
11 her answer, you will see where it leads.
12 If you won't let her answer, the judge
13 is going to determine it. And I just
14 suggest to you that you stop these
15 speeches and stop debating, because you
16 are not going to convince me not to
17 follow-up on these questions. If you
18 can convince the court to truncate the
19 deposition, that's your right, but all
20 you're doing is dragging this deposition
21 out.

22 MR. PAGLIUCA: You have the
23 opportunity to give me a good faith
24 basis why you are asking these
25 questions.

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2 MR. BOIES: I have given you a good
3 faith basis.

4 MR. PAGLIUCA: You haven't.

5 MR. BOIES: Then instruct not to
6 answer.

7 MR. PAGLIUCA: I am giving you the
8 opportunity to say why you are asking
9 the question, and why I'm telling her
10 not to answer and I am entitled to know
11 that.

12 MR. BOIES: You are not entitled to
13 know why I'm asking the question. You
14 are only entitled to know that it
15 relates to the subject matter that I am
16 entitled to inquire about, and I don't
17 think the judge is going to think that,
18 you know, where Mr. Epstein shipped
19 Maria Farmer off to is outside the scope
20 of what I'm entitled to inquire about.

21 THE WITNESS: Can we take a break?

22 MR. BOIES: Only if you commit not
23 to talk to your counsel during the
24 break.

25 THE WITNESS: That's ludicrous.

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2 Q. Insofar as you were aware, did
3 Virginia Roberts ever have a male friend that
4 visited her at the Epstein residences?

5 A. I don't recall ever seeing a man
6 with Virginia. I believe she had a fiance
7 that I was aware of, I think, but that's all.

8 Q. When were you aware that Virginia
9 Roberts had a fiance?

10 A. I can't say I became aware from
11 reading all this stuff, or I was aware of it
12 at the time. I don't know.

13 Q. Did you ever meet Virginia Roberts'
14 fiance?

15 A. I don't think I ever did. I don't
16 recall meeting any men with Virginia.

17 Q. Do you know [REDACTED],

18 [REDACTED]

19 A. I never heard that name before.

20 Q. Have you ever heard the name of
21 Carolyn Andriamo, A-N-D-R-I-A-M-O?

22 A. I don't recollect that name at all.

23 MR. PAGLIUCA: Mr. Boies, those
24 names are on Exhibit 26, which we have
25 already gone over and she said she

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2 didn't recognize those people, so now we
3 are just repeating things that we went
4 over.

5 MR. BOIES: I am in the context of
6 seeing if I can refresh her
7 recollection, because these are women
8 that Mr. Figueroa, who she also does not
9 recall, brought over to Mr. Epstein's
10 residences, and I also want to make a
11 very clear record of what her testimony
12 is and is not right now.

13 Again, you can instruct her not to
14 answer if you wish.

15 MR. PAGLIUCA: I'm trying to get to
16 nonrepetitive questions here. You
17 basically asked the same question three
18 times. Then we get a pile of notes that
19 get pushed up to you, you read those.
20 Then you ask those three times, and then
21 we go to another question. So it's
22 taking an inordinately long amount of
23 time and it shouldn't.

24 MR. BOIES: I think that is a
25 demonstrably inaccurate statement of

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2 what has been going on, and I
3 attribute -- maybe I shouldn't attribute
4 it at all.

5 But if you want to instruct not to
6 answer, instruct not to answer. If you
7 don't, again, all I will do is request
8 that you cease your comments. I can't
9 do that. All I can do is seek sanctions
10 afterwards.

11 BY MR. BOIES:

12 Q. Ms. Maxwell.

13 A. Mr. Boies.

14 Q. What?

15 A. I'm replying. You said Ms.
16 Maxwell, I said Mr. Boies.

17 Q. Do you have a question?

18 A. No.

19 Q. I have a question.

20 A. I'm sure you do.

21 Q. During the time that you were in
22 the property or at the property that
23 Mr. Epstein has in the Virgin Islands, were
24 you aware of Mr. Epstein getting any
25 massages?

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2 court's order.

3 Q. In terms of preparing for this
4 deposition, what documents did you review?

5 MR. PAGLIUCA: To the extent I
6 provided you with any documents to
7 review, I will tell you that's both --
8 it's privileged and I instruct you not
9 to answer.

10 Q. Did your lawyer provide you with
11 any documents to review in preparation for
12 this deposition that refreshed your
13 recollection about any of the events that
14 occurred?

15 MR. PAGLIUCA: You can answer that
16 question.

17 A. No.

18 Q. How many documents did your lawyer
19 provide you with?

20 MR. PAGLIUCA: You can answer.

21 A. One, I believe.

22 Q. One document. Was that a document
23 that had been prepared by your attorney, or
24 was it a document from the past?

25 MR. PAGLIUCA: I will tell you not

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2 MR. PAGLIUCA: Don't answer that
3 question. It's outside the court's
4 order.

5 Q. In 2005, were you aware of any
6 effort to destroy records of messages you had
7 taken of women who had called Mr. Epstein in
8 the prior period?

9 MR. PAGLIUCA: Don't answer that
10 question. It's outside the court's
11 order.

12 MR. BOIES: I said I would give you
13 a break every hour. It's been an hour.

14 MR. PAGLIUCA: Do you want a break
15 or do you want to keep going?

16 THE WITNESS: Keep going.

17 MR. BOIES: What I told you before,
18 you asked for a break every hour. I am
19 happy to give you a break at a fixed
20 time. What I'm not happy to do is
21 interrupt a chain of examination.

22 So if you want a break now, we will
23 take a break now. If you don't want a
24 break now, we will not break for another
25 hour.

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2 Q. Next one is Heidi --

3 A. Tony is Virginia's guy that you
4 asked me about. I don't know Tony.

5 Q. I asked you about a Tony Figueroa.

6 A. Right, I don't know him, so I'm
7 guessing, I don't know him.

8 Q. Nicole?

9 A. No.

10 Q. Colleen?

11 A. No.

12 Q. Crystal?

13 A. I don't know who these people are.

14 Q. Was there a list that was kept of
15 women or girls who provided massages?

16 MR. PAGLIUCA: This has been
17 previously deposed on. This is not part
18 of the court's order, I will tell her
19 not to answer.

20 MR. BOIES: You are going to tell
21 her not to answer a question that says
22 was there a list of women or girls who
23 provided massages?

24 MR. PAGLIUCA: She has been
25 previously deposed on this subject.

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2 MR. BOIES: I think this is
3 squarely in the court's order, but if
4 you instruct her not to answer, you
5 instruct her not to answer.

6 MR. PAGLIUCA: We'll find out.

7 BY MR. BOIES:

8 Q. I take it you don't know the ages
9 of any of these people?

10 A. The ones that I did recognize were
11 roughly my age. The ones I don't know, I
12 wouldn't have a clue.

13 Q. Did you, or insofar as you are
14 aware anyone, maintain a list of females that
15 provided massage services to Mr. Epstein at
16 his residences?

17 MR. PAGLIUCA: Objection to form
18 and foundation.

19 You can answer if you can.

20 A. I don't know anything about a list.

21 Q. Let me go back to Exhibit 28. I
22 want to go down this list, excluding
23 Mr. Epstein himself, and just ask you a
24 series of the same essential questions about
25 each one.

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CERTIFICATE

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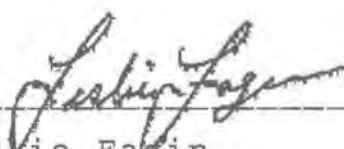
8

I HEREBY CERTIFY that GHISLAINE
MAXWELL, was duly sworn by me and that the
deposition is a true record of the testimony
given by the witness.

9

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11


Leslie Fagin,

Registered Professional Reporter

12

Dated: July 22, 2016

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(The foregoing certification of
this transcript does not apply to any
reproduction of the same by any means, unless
under the direct control and/or supervision
of the certifying reporter.)

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25

COMPOSITE
EXHIBIT 8
(File Under Seal)

Lynn & JoJo

① I sent [REDACTED]
mail to their correct address
and called Post office to make
sure all future mail will be sent to them.

② I Scheduled the cable company
to come on Thursday. This is their
soonest appointment. Ghislaine asked
me to make ^{an} appointment because
the TV in the Blue Room does not
get a clear reception.

③ SHUTTER COMPANY WILL COME
EARLY THURSDAY TO MEASURE
SHUTTER NEXT TO GHISLAINE'S
DESK. THE SHUTTER WILL NOT
ROLL DOWN. ~~IE~~

* BOTH CABLE COMPANY & SHUTTER COMPANY
WILL CALL ME ON MY CELL PHONE TO
MAKE SURE JEFFREY & GHISLAINE ARE NOT
HERE. [REDACTED]

Jeffrey E. Epstein

301.3101

SA02969

IMPORTANT MESSAGE			
FOR <u>Mr Epstein</u>			
DATE <u>01/02/03</u>		TIME <u>8:54</u> A.M. P.M.	
M. <u>[REDACTED]</u>			
OF <u>[REDACTED]</u>			
PHONE <u>[REDACTED]</u>			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>Could you please call back, it's very important</u>			
SIGNED <u>[REDACTED]</u>			
1184			

IMPORTANT MESSAGE			
FOR <u>SE</u>			
DATE <u>01/02/03</u>		TIME <u>16:30</u> A.M. P.M.	
M. <u>CAROLINE CASEY</u>			
OF <u>[REDACTED]</u>			
PHONE <u>[REDACTED]</u>			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SIGNED <u>GM</u>			
1184			

IMPORTANT MESSAGE			
FOR <u>GMI</u>			
DATE _____		TIME _____ A.M. P.M.	
M. _____			
OF _____			
PHONE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>Phoned to confirm location</u>			
SIGNED _____			
1184			

IMPORTANT MESSAGE			
FOR <u>SE</u>			
DATE <u>01/02/03</u>		TIME <u>21:06</u> A.M. P.M.	
M. <u>[REDACTED]</u>			
OF <u>[REDACTED]</u>			
PHONE <u>[REDACTED]</u>			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>WANTS TO KNOW IF SHE SHOULD REING HER FRIEND [REDACTED] W/IN TONIGHT</u>			
SIGNED <u>[REDACTED]</u>			
1184			

SAO01456

IMPORTANT MESSAGE			
FOR <u>MR. Epstein</u>			
DATE <u>4/23/04</u>		TIME <u>6:10</u> <u>P.M.</u>	
M. <u>[REDACTED]</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>HY YOUR MOBILE</u>			
SIGNED _____			

IMPORTANT MESSAGE			
FOR <u>MR. Maxwell</u>			
DATE <u>4/23/04</u>		TIME <u>5:37</u> <u>P.M.</u>	
M. <u>[REDACTED]</u>			
OF _____			
PHONE/ MOBILE <u>Office</u>			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SIGNED _____			

OK
#2

IMPORTANT MESSAGE			
FOR <u>MR. Epstein</u>			
DATE _____		TIME _____ <u>A.M.</u>	
M. <u>[REDACTED]</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SIGNED _____			

IMPORTANT MESSAGE			
FOR <u>MR. Maxwell</u>			
DATE <u>4/23/04</u>		TIME <u>5:37</u> <u>P.M.</u>	
M. <u>[REDACTED]</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SAO2827			
SIGNED _____			

IMPORTANT MESSAGE			
FOR <u>6m</u>			
DATE <u>7/28/04</u>		TIME <u>2:00</u> <u>AM</u> <u>P.M.</u>	
M <u>Martha</u>			
OF <u>Colonial Bank</u>			
PHONE/ MOBILE <u>[REDACTED]</u>			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>MS. MAXWELL</u>			
DATE <u>04/25/04</u>		TIME <u>6:55</u> <u>AM</u> <u>P.M.</u>	
M <u>MS. NECOLE HESSE</u>			
OF _____			
PHONE/ MOBILE <u>[REDACTED]</u>			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>RETURNIN YOUR CALL</u>			
SIGNED <u>[REDACTED]</u> 1184			

IMPORTANT MESSAGE			
FOR _____			
DATE <u>[REDACTED]</u>		TIME _____ <u>AM</u> <u>P.M.</u>	
M <u>[REDACTED]</u>			
OF <u>[REDACTED]</u>			
PHONE/ MOBILE <u>[REDACTED]</u>			
TELEPHONED		PLEASE CALL	<u>X</u>
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>Jeffrey</u>			
DATE _____		TIME _____ <u>AM</u> <u>P.M.</u>	
M <u>Chislaine</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>would be helpful to</u> <u>have [REDACTED] come to</u> <u>Palm Beach today to stay</u> <u>here and help train new</u> <u>staff with Chislaine</u>			
SIGNED _____ SAO2830			

IMPORTANT MESSAGE

FOR HR. ETSIEIN
 DATE _____ TIME 8:30 A.M. / P.M.
 M. SARAH
 OF _____
 PHONE/ MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE WILL CALL
BACK

SIGNED _____

1184

IMPORTANT MESSAGE			
FOR	05/21/04		
DATE	TO MR EPSTEIN	TIME	12:45 P.M.
TELEPHONED	✓	PLEASE CALL	✓
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____ <div style="text-align: center; font-size: 1.2em; margin-top: 10px;">CALLED</div> _____ _____ _____ _____ _____			
SAO2833			
SIGNED _____			

IMPORTANT MESSAGE			
FOR <u>Jeffrey</u>			
DATE	TIME		A.M. P.M.
M	<u>Ghislaine</u>		
OF	<u>called</u>		
PHONE/ MOBILE			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE			
SIGNED <u>R</u>			

IMPORTANT MESSAGE			
FOR <u>06/06/04</u>			
DATE	TIME		A.M. P.M.
M	<u>FOR MR EPSTEIN</u>		
OF	<u>MS. MAXWELL</u>		
PHONE/ MOBILE			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>" CALLED BUT NOT</u>			
<u>VERY IMPORTANT "</u>			
SIGNED <u>R</u>			

IMPORTANT MESSAGE			
FOR <u>MR EPSTEIN</u>			
DATE	TIME		A.M. P.M.
M	<u>06/11/04</u>		
OF	<u>1:48</u>		
PHONE/ MOBILE			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>'CALL BACK'</u>			
SIGNED <u>R</u>			

IMPORTANT MESSAGE			
FOR <u>MR. EPSTEIN</u>			
DATE	TIME		A.M. P.M.
M	<u>6/6/04</u>		
OF	<u>8:57</u>		
PHONE/ MOBILE			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>" WILL BE COMING AT</u>			
<u>11 AM TODAY</u>			
SAO2836			
SIGNED			

IMPORTANT MESSAGE			
FOR [REDACTED]		A.M. P.M.	
DATE	TIME		
M			
OF [REDACTED]			
PHONE/ MOBILE			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE			
SIGNED			
1184			

IMPORTANT MESSAGE			
FOR SARAH		A.M. P.M.	
DATE 6.12.2004	TIME 3.55		
M 50 50			
OF [REDACTED]			
PHONE/ MOBILE			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE			
CALLED SAYING			
SOME ONE CALLED			
FROM PALM BEACH			
SIGNED			
1184			

IMPORTANT MESSAGE			
FOR [REDACTED]		A.M. P.M.	
DATE	TIME		
M			
OF [REDACTED]			
PHONE/ MOBILE			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE			
she'll be here			
at 5.30			
SIGNED			
1184			

IMPORTANT MESSAGE			
FOR MR. Epstein		A.M. P.M.	
DATE	TIME		
M			
OF MS. Maxwell			
PHONE/ MOBILE			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE			
SAO2837			
SIGNED			
1184			

IMPORTANT MESSAGE			
FOR <u>MR. EPSTEIN</u>			
DATE <u>7.9.2004</u>		TIME <u>1.30</u> AM/PM	
M <u>[REDACTED]</u>			
OF <u>[REDACTED]</u>			
PHONE/MOBILE <u>[REDACTED]</u>			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>CALED</u>			
SIGNED <u>[REDACTED]</u>			

IMPORTANT MESSAGE			
FOR <u>MR. EPSTEIN</u>			
DATE <u>7/9</u>		TIME <u>1.30</u> AM/PM	
M <u>[REDACTED]</u>			
OF <u>[REDACTED]</u>			
PHONE/MOBILE <u>[REDACTED]</u>			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>[REDACTED]</u>			
SIGNED <u>[REDACTED]</u>			

IMPORTANT MESSAGE			
FOR <u>SARAH</u>			
DATE <u>7/9/04</u>		TIME <u>10.36</u> AM/PM	
M <u>[REDACTED]</u>			
OF <u>LESLIE (NY OFFICE)</u>			
PHONE/MOBILE <u>[REDACTED]</u>			
TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>SHE IS WORKING FROM HOME TODAY</u> <u>PL CALL THE ABOVE # ASAP</u>			
SIGNED <u>R</u>			

IMPORTANT MESSAGE			
FOR <u>MR. EPSTEIN</u>			
DATE <u>7/9</u>		TIME <u>6.05</u> AM/PM	
M <u>MS MAXWELL</u>			
OF <u>WARREN</u>			
PHONE/MOBILE <u>[REDACTED]</u>			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>PLEASE CALL WHEN POSSIBLE</u>			
SIGNED <u>SAO2840</u>			

IMPORTANT MESSAGE			
FOR <u>SARAH H</u>			
DATE <u>07/10/04</u>		TIME <u>6:33</u> <small>A.M.</small>	
M. <u>[REDACTED]</u>			
OF <u>[REDACTED]</u>			
PHONE/ MOBILE <u>[REDACTED]</u>			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>PL CALL</u>			
<u>1 (1111)</u>			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>MR. EPSTEIN</u>			
DATE <u>7/10/04</u>		TIME <u>7:15</u> <small>A.M.</small>	
M. <u>[REDACTED]</u>			
OF <u>[REDACTED]</u>			
PHONE/ MOBILE <u>[REDACTED]</u>			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input checked="" type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE _____			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>SARAH H</u>			
DATE <u>7/9/04</u>		TIME <u>10:36</u> <small>A.M.</small>	
M. <u>[REDACTED]</u>			
OF <u>LESLIE (NY OFFICE)</u>			
PHONE/ MOBILE <u>[REDACTED]</u>			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>SHE IS WORKING</u>			
<u>FROM SECONALTDAY</u>			
<u>PL ASK THE ABOVE</u>			
<u># ASHP</u>			
SIGNED <u>R</u> 1184			

IMPORTANT MESSAGE			
FOR <u>MR. EPSTEIN</u>			
DATE <u>7/9/04</u>		TIME <u>7:50</u> <small>A.M.</small>	
M. <u>MAYRELL E</u>			
OF <u>[REDACTED]</u>			
PHONE/ MOBILE <u>[REDACTED]</u>			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>[REDACTED] IS</u>			
<u>AVAILABLE ON TUESDAY</u>			
<u>NO ONE FOR TOMORROW</u>			
SAO2841			
SIGNED <u>R</u> 1184			

IMPORTANT MESSAGE			
FOR <u>MR. EPSTEIN</u>			
DATE <u>1/18/18</u>		TIME <u>11</u> A.M. P.M.	
M <u>1184</u>			
OF <u>MS. PINYUWELL</u>			
PHONE/MOBILE <u>1184</u>			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE _____			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>JE</u>			
DATE <u>1/18/18</u>		TIME <u>9:30</u> A.M. P.M.	
M <u>[REDACTED]</u>			
OF <u>[REDACTED]</u>			
PHONE/MOBILE <u>[REDACTED]</u>			
TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>She said, if she</u> <u>can't come to the house</u> <u>before 4:00 PM, then</u> <u>after 4:00 PM, 5:00 or 6:00</u> <u>PM. She has to say</u> <u>dinner with her grandpa.</u>			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>MR. EPSTEIN</u>			
DATE <u>1/18/18</u>		TIME <u>11</u> A.M. P.M.	
M <u>1184</u>			
OF <u>MS. PINYUWELL</u>			
PHONE/MOBILE <u>1184</u>			
TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>she will see you</u> <u>at 7:30</u>			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>MR. EPSTEIN</u>			
DATE <u>1/18/18</u>		TIME <u>2:48</u> A.M. P.M.	
M <u>[REDACTED]</u>			
OF <u>[REDACTED]</u>			
PHONE/MOBILE <u>[REDACTED]</u>			
TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>She said that some</u> <u>one has messages I said</u> <u>that she's sorry for</u> <u>not seeing you in</u> <u>California</u>			
SIGNED _____ SAO01465 1184			

IMPORTANT MESSAGE		
FOR	JEFFREY	
DATE	AUG 2	TIME 12:45 A.M. P.M.
M		
OF		
PHONE/MOBILE		
TELEPHONED	<input checked="" type="checkbox"/> PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	
MESSAGE	THEY ARE AVAILABLE ALL WEEKEND AND PLEASE MAY BE	
SIGNED	NICKY W. 1184	

IMPORTANT MESSAGE		
FOR	MR EPSTEIN	
DATE	7/25/04	TIME 5:08 A.M. P.M.
M		
OF	SNYDER	
PHONE/MOBILE		
TELEPHONED	<input type="checkbox"/> PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	
MESSAGE	"RETURNING YOUR CALL"	
SIGNED	Ru 1184	

IMPORTANT MESSAGE		
FOR	SARA	
DATE	AUG 2	TIME 2:00 A.M. P.M.
M		
OF		
PHONE/MOBILE		
TELEPHONED	<input type="checkbox"/> PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	
MESSAGE	Please call IN REFERENCE TO [unclear] the [unclear] phone [unclear] I [unclear] [unclear] [unclear] request.	
SIGNED	NICKY W. 1184	

IMPORTANT MESSAGE		
FOR	MR. EPSTEIN	
DATE	7/25/04	TIME 1:48 A.M. P.M.
M		
OF	MS MAXWELL	
PHONE/MOBILE		
TELEPHONED	<input checked="" type="checkbox"/> PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	
MESSAGE	"TELL HIM TO CALL ME"	
SIGNED	Am 1184	

SAO01464

IMPORTANT MESSAGE		
FOR	Jo Jo	
DATE	8/16/04	TIME 12:00 P.M.
M	[REDACTED]	
O	[REDACTED]	
PHONE/ MOBILE		
TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	
MESSAGE		
Arriving at Customs at 8115		
Need 2 vehicles (5) people		
SIGNED		1184

IMPORTANT MESSAGE		
FOR	JE	
D	[REDACTED]	TIME 9:30 A.M.
M	[REDACTED]	
O	[REDACTED]	
PHONE/ MOBILE		
TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	
MESSAGE		
will phone again in 1/2 hr.		
SIGNED		1184

IMPORTANT MESSAGE		
FOR	JE	
DATE		TIME A.M. P.M.
M	[REDACTED]	
O	EVA	
PHONE/ MOBILE		
TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	
MESSAGE		
SIGNED		1184

IMPORTANT MESSAGE		
FOR	JE	
D	[REDACTED]	TIME 11:30 A.M. P.M.
M	[REDACTED]	
O	[REDACTED]	
PHONE/ MOBILE		
TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	X
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	
MESSAGE		
SIGNED		1184

SAO2845

IMPORTANT MESSAGE	
FOR	JF
DATE	20 Aug 9:00 A.M.
M	
OF	
PHONE/MOBILE	
TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION
MESSAGE	
CALLED	
SHE WAS ALL THE INFO	
YOU NEED	
[REDACTED]	
[REDACTED]	
SIGNED [REDACTED]	

IMPORTANT MESSAGE	
FOR	JF
DATE	20 Aug 8:00 A.M.
M	
OF	
PHONE/MOBILE	
TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION
MESSAGE	
[REDACTED]	
CALL HER BACK	
[REDACTED]	
[REDACTED]	
SIGNED [REDACTED]	

IMPORTANT MESSAGE	
FOR	JF
DATE	20 Aug 8:40 A.M.
M	
OF	
PHONE/MOBILE	
TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION
MESSAGE	
Returns your call	
[REDACTED]	
[REDACTED]	
SIGNED [REDACTED]	

IMPORTANT MESSAGE	
FOR	JF
DATE	20 Aug 3:40 A.M.
M	Christine
OF	
PHONE/MOBILE	
TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION
MESSAGE	
SHE LET LARRY GO	
THE ONLY FLIGHT TO PB leaves	
at 3:15	
Not heard from Tom Ford	
If you call it means she will pick	
up [REDACTED] alone in the elevator	
If you want to change please	
call GM back	
SIGNED [REDACTED]	

IMPORTANT MESSAGE	
FOR	MR. EPSTEIN
DATE	TIME 2:45 A.M. P.M.
M	
OF	MS. MAYWELL
PHONE/ MOBILE	
TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION
MESSAGE	
SIGNED	

IMPORTANT MESSAGE	
FOR	JE
DATE	TIME 7:20 A.M. P.M.
M	Sarah
OF	
PHONE/ MOBILE	
TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION
MESSAGE	
She said if she can't call me by her self before 4:00 (6:00 or 7:00) 5:00 she has birthday dinner w/ her grandpa	
SIGNED	

IMPORTANT MESSAGE	
FOR	MR. EPSTEIN
DATE	TIME A.M. P.M.
M	Sophie Biddle
OF	
PHONE/ MOBILE	
TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION
MESSAGE	
she will see you at 7:30	
SIGNED	

IMPORTANT MESSAGE	
FOR	MR. Epstein
DATE	TIME 2:48 A.M. P.M.
M	
OF	
PHONE/ MOBILE	
TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION
MESSAGE	
She said that Sophie got her messages & said that she's sorry for not seeing you in California.	
SIGNED	

SAO2850

IMPORTANT MESSAGE			
FOR <u>Sarah</u>			
DATE <u>11-4-04</u>		TIME <u>2:40</u> <small>AM</small>	
M _____			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<u>PLEASE CALL</u>		
CAME TO SEE YOU	WILL CALL AGAIN		
WANTS TO SEE YOU	RUSH		
RETURNED YOUR CALL	SPECIAL ATTENTION		
MESSAGE _____			
<u>Return</u>			
<u>Call</u>			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>Jessy</u>			
DATE <u>12-04-04</u>		TIME <u>2:55</u> <small>AM</small>	
M <u>from Sarah</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	PLEASE CALL		
CAME TO SEE YOU	WILL CALL AGAIN		
WANTS TO SEE YOU	RUSH		
RETURNED YOUR CALL	SPECIAL ATTENTION		
MESSAGE _____			
<u>like to work @ 4:00</u>			
<u>if possible</u>			
<u>is scheduled</u>			
<u>for 5:00 today</u>			
SIGNED <u>the</u> 1184			
<u>movie is @ 7:30</u>			

IMPORTANT MESSAGE			
FOR <u>Sarah</u>			
DATE <u>12/6/04</u>		TIME <u>1:00</u> <small>AM</small>	
M _____			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	PLEASE CALL		
CAME TO SEE YOU	WILL CALL AGAIN		
WANTS TO SEE YOU	RUSH		
RETURNED YOUR CALL	SPECIAL ATTENTION		
MESSAGE _____			
<u>Please call her</u>			
SIGNED <u>R</u> 1184			


IMPORTANT MESSAGE			
FOR <u>Mr. J.E.</u>			
DATE <u>12/6/04</u>		TIME <u>1:30</u> <small>AM</small>	
M <u>r. Harry Beller</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	PLEASE CALL		
CAME TO SEE YOU	WILL CALL AGAIN		
WANTS TO SEE YOU	RUSH		
RETURNED YOUR CALL	SPECIAL ATTENTION		
MESSAGE _____			
<u>Returning your</u>			
<u>Call</u>			
SAO2939			
SIGNED <u>R</u> 1184			


IMPORTANT MESSAGE			
FOR <u>Mr. J.E.</u>			
DATE <u>12/04/04</u>		TIME <u>7:40</u> <u>AM</u>	
M. <u>[REDACTED]</u>			
OF <u>[REDACTED]</u>			
PHONE/MOBILE <u>[REDACTED]</u>			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
Please call			
him			
[Signature]			
SIGNED _____ 1184			


IMPORTANT MESSAGE			
FOR <u>Mr. J.E.</u>			
DATE <u>12/04/04</u>		TIME <u>4:20</u> <u>AM</u>	
M. <u>G. Maxwell</u>			
OF _____			
PHONE/MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
Please call her.			
[Signature]			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>Mr. J.E.</u>			
DATE <u>12/04/04</u>		TIME <u>5:30</u> <u>AM</u>	
M. <u>G. Maxwell</u>			
OF _____			
PHONE/MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
Please call her			
[Signature]			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>Mr. J.E.</u>			
DATE <u>12/04/04</u>		TIME <u>5:40</u> <u>AM</u>	
M. <u>[REDACTED]</u>			
OF <u>[REDACTED]</u>			
PHONE/MOBILE <u>[REDACTED]</u>			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
Please call her			
SAO2938			
[Signature]			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>SARAN</u>			
DATE <u>12/9/04</u>		TIME <u>10:20</u> <u>AM</u>	
			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>Scheduling for going</u>			
<u>thru Palm Beach</u>			
<u>Houjo</u>			
SIGNED <u>[Signature]</u> 1184			

IMPORTANT MESSAGE			
FOR <u>Mr. J E</u>			
DATE <u>12/9/04</u>		TIME <u>5:00</u> <u>AM</u>	
			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>Please Call him</u>			
<u>[Signature]</u>			
SIGNED <u>[Signature]</u> 1184			

IMPORTANT MESSAGE			
FOR <u>Mr. J E</u>			
DATE <u>12/09/04</u>		TIME <u>8:30</u> <u>AM</u>	
			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>"Tell him that I</u>			
<u>Called"</u>			
SIGNED <u>[Signature]</u> 1184			

IMPORTANT MESSAGE			
FOR <u>Mr. J E</u>			
DATE <u>12/09/04</u>		TIME <u>8:00</u> <u>AM</u>	
M <u>W</u> <u>Wexing</u>			
OF			
PHONE/ MOBILE			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>Please She will call</u>			
<u>back</u>			
SAO2943			
SIGNED <u>[Signature]</u> 1184			

IMPORTANT MESSAGEFOR J.E.DATE 1.8.05 TIME 4:05 A.M.

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE

Please call meback!SIGNED RZ

1184

IMPORTANT MESSAGEFOR JeffreyDATE 1/10/05 TIME 10:15 P.M.

OF

PHONE/
MOBILE

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE

please call
her

SIGNED

1184

IMPORTANT MESSAGEFOR J.E.DATE 1.8.05 TIME 4:55 P.M.Mr. Corrofield

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE

Please call himSIGNED RZ

1184

IMPORTANT MESSAGEFOR JeffreyDATE 01/10/05 TIME 9:30 P.M.John Luc

OF

PHONE/
MOBILE

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE

saying if you
have called
him he has
sth for some
message for you

SIGNED

SA02949

1184

IMPORTANT MESSAGE	
FOR	J.E.
DATE	2/24/05 TIME 4:18 AM
M.	[REDACTED]
[REDACTED]	
TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION
MESSAGE	
Please! Call her Tomorrow is her birthday	
SIGNED J.	

IMPORTANT MESSAGE	
FOR	J.E.
DATE	2/22 TIME 12:45 AM
M.	[REDACTED]
[REDACTED]	
TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION
MESSAGE	
Please! Call her.	
SIGNED J.	

IMPORTANT MESSAGE	
FOR	Teffron
DATE	2/25/05 TIME 01:10 AM
M.	[REDACTED]
OF	[REDACTED]
PHONE/	
MOBILE	
TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION
MESSAGE	
Please call him back	
SIGNED	

SAO2967

IMPORTANT MESSAGE	
FOR	Mr. Epstein
DATE	2/24/05 TIME 11:19 AM
M.	[REDACTED]
OF	
PHONE/	
MOBILE	
TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION
MESSAGE	
She needs Ken's telephone number. [REDACTED]	
SIGNED LER	

IMPORTANT MESSAGE			
FOR <u>Jeffrey</u>			
DATE <u>2/25/05</u>		TIME <u>1:39</u> A.M. P.M.	
M. <u>Christine</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>Thid she called</u>			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>Jeffrey</u>			
DATE <u>2/25/05</u>		TIME <u>9:42</u> A.M. P.M.	
M. _____			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>She would like to speak with you.</u>			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR _____			
DATE _____		TIME _____ A.M. P.M.	
M. _____			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE _____			
SIGNED _____ 1184			

SAO2998

IMPORTANT MESSAGE			
FOR <u>Jeffrey</u>			
DATE <u>2/25/05</u>		TIME <u>12/2</u> A.M. P.M.	
M. _____			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE _____			
SIGNED _____ 1184			

IMPORTANT MESSAGE

FOR Jeffrey
DATE 02/26/05 TIME 11:15 A.M.
M. [REDACTED]

TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION

MESSAGE

Please call her
back in 15-30
She is on the way
to the gym

SIGNED

1184

IMPORTANT MESSAGE

FOR Jeffrey
DATE 02/25/05 TIME 05:50 A.M.
M. Theresa - Desc

TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION

MESSAGE

Going back to
concert section
what about
Paris on Saturday

SIGNED

1184

IMPORTANT MESSAGE

FOR Jeffrey
DATE 2/26/05 TIME 12:40 A.M.
M. [REDACTED]

TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION

MESSAGE

Please call
her

SIGNED

1184

SAO2968

IMPORTANT MESSAGE

FOR Jeffrey
DATE 2/26/05 TIME 12:21 A.M.
M. [REDACTED]

TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION

MESSAGE

Please call
her back

SIGNED

1184

IMPORTANT MESSAGEFOR J.E.
DATE 2/27/05 TIME 10:18 ^{AM} ~~PM~~M Ms. Maxwell
OF Ms. Maxwell
PHONE/
MOBILE

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE She is homeSIGNED J. 1184**IMPORTANT MESSAGE**FOR J.E.
DATE 2/26/05 TIME 4:40 ^{AM} ~~PM~~M Geon Luc
OF
PHONE/
MOBILE no phone #

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE Please!Call himSIGNED J. 1184**IMPORTANT MESSAGE**FOR Teff. u
DATE 2/28/05 TIME 12:32 ^{AM} ~~PM~~M IN
OF [REDACTED]
PHONE/
MOBILE [REDACTED]

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE She is home during
if 2:30 is ok
she needs to
stay in school**IMPORTANT MESSAGE**FOR Teff. u
DATE 2/28/05 TIME 07:45 ^{AM} ~~PM~~M Geon Luc
OF
PHONE/
MOBILE

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE That he
called back

SA001067

IMPORTANT MESSAGE			
FOR <u>Jeffrey</u>			
DATE <u>2/28/05</u>		TIME <u>12:14</u> <small>AM</small>	
M <u>Darren</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>He needs to speak with you.</u>			
SIGNED _____			

IMPORTANT MESSAGE			
FOR <u>Jeffrey</u>			
DATE <u>2/28/05</u>		TIME <u>12:10</u> <small>AM</small>	
M <u>[REDACTED]</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>He has sent you some faxes that he would like follow up.</u>			
SIGNED _____			

IMPORTANT MESSAGE			
FOR <u>Jeffrey</u>			
DATE <u>2/28/05</u>		TIME <u>5:30</u> <small>AM</small>	
M <u>Whislaine</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>Pls call back</u>			
SIGNED _____			

IMPORTANT MESSAGE			
FOR <u>Jeffrey</u>			
DATE <u>2/27/05</u>		TIME <u>11:20</u> <small>AM</small>	
M <u>Sarah</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
MESSAGE <u>Please call her back. She wanted to make sure you know that she is going to meet Whislaine and go with her to the Ranch</u>			
SIGNED _____			

SAO3000

IMPORTANT MESSAGEFOR Jeffrey
DATE _____ TIME 6:05 AM PMM. [REDACTED]
OF _____
PHONE/
MOBILE _____

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE:
Call backSIGNED Nadia

1184

IMPORTANT MESSAGEFOR Jeffrey
DATE 2/28/05 TIME 7:11 AM PMM. [REDACTED]
OF _____
PHONE/
MOBILE _____

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

[REDACTED] is away.
Back on Wednesday
and she might
have thru Friday

SIGNED _____

1184

IMPORTANT MESSAGEFOR Jeffrey
DATE 02/28/05 TIME 7:56 AM PMM. Teala
OF _____
PHONE/
MOBILE _____

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE:
That she called
please call her
back

SAO3001

IMPORTANT MESSAGEFOR Chislaine
DATE 02/28/05 TIME 7:50 AM PMM. Chislaine
OF _____
PHONE/
MOBILE _____

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE:
Please call
back

IMPORTANT MESSAGE

FOR Jeffrey
 DATE 3/5/05 TIME 12:20 AM
 M Ghislaina

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE

Pecno still doesn't
answer the phone.

SIGNED

AM

1184

IMPORTANT MESSAGE

FOR Jeffrey
 DATE 3/5/05 TIME 10:20 AM
 M [REDACTED]

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE

She had on the phone.
Mr. Harvey Weinstein

SIGNED

1184

IMPORTANT MESSAGE

FOR Jeffrey
 DATE 3/5/05 TIME 12:22 AM
 M [REDACTED]

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE

She has problems
with car... could she
be here at 2 pm?

SIGNED

SAO3002

IMPORTANT MESSAGE

FOR Jeffrey
 DATE 3/5/05 TIME 11:50 AM
 M Larry Visoski

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE

Person for
the car will be
here in 15 min. to
drop off foam and
papers

SIGNED

1184

IMPORTANT MESSAGEFOR Jeffrey
DATE 3/6/05 TIME 03:00 AM

M. [REDACTED]

OF [REDACTED]
PHONE/MOBILE [REDACTED]

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE

Returning your
phone call

SIGNED _____

1184

IMPORTANT MESSAGEFOR Jeffrey
DATE 3/06/05 TIME 11:40 AM

M. [REDACTED]

OF [REDACTED]
PHONE/MOBILE [REDACTED]

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE

That he will deal

SIGNED _____

1184

IMPORTANT MESSAGEFOR J. E.
DATE 3/7/05 TIME 7:30 AM

M. [REDACTED]

OF [REDACTED]
PHONE/MOBILE [REDACTED]

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE

Do you want to
see him?SIGNED J.

1184

IMPORTANT MESSAGEFOR Ms. R. Maxwell
DATE 3/06/05 TIME 9:01 AM

M. [REDACTED]

OF [REDACTED]
PHONE/MOBILE [REDACTED]

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE

Left his cell #
[REDACTED]

SIGNED _____

SAO01071

1184

IMPORTANT MESSAGE			
FOR	Sarah		
DATE	3/20/05	TIME	1:10 A.M.
M	Haley		
OF			
PHONE/ MOBILE			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	
MESSAGE			
Lift. Per cell #			
SIGNED <i>[Signature]</i>			

IMPORTANT MESSAGE			
FOR	J.E.		
DATE	3/18/05	TIME	8:05 A.M.
M	Till Stacy		
OF			
PHONE/ MOBILE			
TELEPHONED	<input type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	
MESSAGE			
SIGNED <i>[Signature]</i>			

IMPORTANT MESSAGE			
FOR	Mrs. B. Maxwell		
DATE	3/19/05	TIME	3:45 A.M.
M			
OF			
PHONE/ MOBILE			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	
MESSAGE			
Appointment is at			
9:30 ^{am} tomorrow.			
Christine is not			
available if it's			
okay to have			
another person.			
SIGNED <i>[Signature]</i>			

IMPORTANT MESSAGE			
FOR	J.E.		
DATE	3/18/05	TIME	12:55 A.M.
M	Sarah		
OF			
PHONE/ MOBILE			
TELEPHONED	<input type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	
MESSAGE			
SAO01474			
SIGNED <i>[Signature]</i>			

[illegible]

IMPORTANT MESSAGE


FOR Mr. Myscow
 DATE 07/04/11 TIME 07:56 A.M. P.M.
 M. Genia
 OF _____
 PHONE/ MOBILE No number he will call back

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE That he called

72

SIGNED _____


 1184

GIUFFRE001526

IMPORTANT MESSAGE			
FOR <u>Jeffrey</u>			
DATE <u>4/9/05</u>		TIME <u>02:10</u> A.M. P.M.	
M. <u>Whiskaine</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>Jeffrey</u>			
DATE <u>4/9/05</u>		TIME <u>12:04</u> A.M. P.M.	
M. _____			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>J.E.</u>			
DATE <u>4/10/05</u>		TIME <u>1:20</u> A.M. P.M.	
M. _____			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>She went running</u> <u>and back to the gym</u>			
SIGNED <u>T.</u> 1184			

IMPORTANT MESSAGE			
FOR <u>J.E.</u>			
DATE <u>4/10/05</u>		TIME _____ A.M. P.M.	
M. _____			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>She went running</u>			
SIGNED _____ 1184			

SAO2975

IMPORTANT MESSAGE			
FOR <u>Jettrey</u>		DATE <u>4/9/05</u> TIME <u>4:40</u> <u>AM</u> <u>PM</u>	
M _____			
OF _____			
PHONE/MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>She is waiting</u> <u>for her friend to</u> <u>call her back.</u> <u>She would like</u> <u>to speak with you</u>			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>Jettrey</u>		DATE <u>4/9/05</u> TIME <u>5:16</u> <u>AM</u> <u>PM</u>	
M _____			
OF _____			
PHONE/MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>She is waiting</u> <u>for her friend to</u> <u>call her back.</u> <u>She would like</u> <u>to speak with you</u>			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>Jettrey</u>		DATE <u>4/11/05</u> TIME <u>11:40</u> <u>AM</u> <u>PM</u>	
M _____			
OF _____			
PHONE/MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>Jettrey</u>		DATE <u>4/9/05</u> TIME <u>1:05</u> <u>AM</u> <u>PM</u>	
M <u>Ghislaire</u>			
OF _____			
PHONE/MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>Please call</u> <u>her back</u>			
SIGNED _____			

SAO3013

IMPORTANT MESSAGEFOR J. E.
DATE 5/9/05 TIME 3:05 ^{AM}/_{PM}M. 

OF

PHONE/

MOBILE

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE _____

_____SIGNED J.

1184

IMPORTANT MESSAGEFOR J. E.
DATE 5/9/05 TIME 3:06 ^{AM}/_{PM}M. Joana

OF

PHONE/

MOBILE

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE _____

_____SIGNED J.

1184

IMPORTANT MESSAGEFOR JE
DATE  TIME 4:45 ^{AM}/_{PM}

OF

PHONE/
MOBILE

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Thank you

SIGNED

1184

IMPORTANT MESSAGEFOR JE
DATE Lowlexon TIME 2:15 ^{AM}/_{PM}

OF

PHONE/
MOBILE

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL	<input checked="" type="checkbox"/>	SPECIAL ATTENTION	

MESSAGE _____

SIGNED

1184

SAO2980

IMPORTANT MESSAGE

FOR J.E.
 DATE 5/26/05 TIME 9:10 AM
 M Era

OF _____
 PHONE/MOBILE cell her at home

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE _____

SIGNED _____

1184

IMPORTANT MESSAGE

FOR J.E.
 DATE 5/19/05 TIME 7:20 AM
 M Mrs Maxwell

OF _____
 PHONE/MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE _____

SIGNED J

1184

IMPORTANT MESSAGE

FOR JE
 DATE [REDACTED] TIME 12 AM
 M [REDACTED]

OF [REDACTED]
 PHONE/MOBILE [REDACTED]

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE _____

SIGNED _____

SAO2981

IMPORTANT MESSAGE

FOR JE
 DATE [REDACTED] TIME 10:25 AM
 M [REDACTED]

OF _____
 PHONE/MOBILE _____

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input checked="" type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE she got thereSafe

IMPORTANT MESSAGE

FOR Jeffrey
 DATE 04/01/05 TIME 12:20 A.M. P.M.
 M. Christine

OF _____
 PHONE/ MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE Glen has pulled
muscle and he is at the
hospital "Good Sam" They
have called dr. Nostabite
and everything has
been organized. In this
case probably they won't
make for lunch.
 SIGNED _____ 1184

IMPORTANT MESSAGE

FOR Jeffrey
 DATE 04/01/05 TIME 11:07 A.M. P.M.
 M. [REDACTED]

OF _____
 PHONE/ MOBILE _____

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE She had on the
phone Mr. Cipriani

 SIGNED _____ 1184

SAO2983

IMPORTANT MESSAGE

FOR J. E.
 DATE 3/31/05 TIME 7:05 A.M. P.M.
 M. Leslie Wexler

OF _____
 PHONE/ MOBILE _____

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE _____

 SIGNED J. 1184

#16

IMPORTANT MESSAGE

FOR Jeffrey
 DATE 04/01/05 TIME 07:50 A.M. P.M.
 M. [REDACTED]

OF _____
 PHONE/ MOBILE _____

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE That he called

 SIGNED _____ 1184

IMPORTANT MESSAGE

FOR Jeffrey
 DATE 4/9/05 TIME 02:10 A.M.
 M. Christine

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	WILL CALL AGAIN	<input checked="" type="checkbox"/>
WANTS TO SEE YOU	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE _____

SIGNED _____

1184

IMPORTANT MESSAGE

FOR Jeffrey
 DATE 4/9/05 TIME 12:00 A.M.
 M. [REDACTED]

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	WILL CALL AGAIN	<input checked="" type="checkbox"/>
WANTS TO SEE YOU	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE _____

SIGNED _____

1184

IMPORTANT MESSAGE

FOR J.E.
 DATE 4/10/05 TIME 1:20 A.M.
 M. [REDACTED]

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE _____

She went running
and back to the gym

SIGNED J.

SAO2986

1184

IMPORTANT MESSAGE

FOR J.E.
 DATE 4/10/05 TIME _____ A.M.
 M. [REDACTED]

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE _____

She went running

SIGNED _____

1184

IMPORTANT MESSAGEFOR J.E.
DATE 5/9/05 TIME 3:05 AMM. [REDACTED]
OF [REDACTED]
PHONE/ MOBILE [REDACTED]

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE _____

SIGNED J. 1184**IMPORTANT MESSAGE**FOR J.E.
DATE 5/9/05 TIME 3:06 AMM Joana
OF [REDACTED]
PHONE/ MOBILE [REDACTED]

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE _____

SIGNED J. 1184**IMPORTANT MESSAGE**FOR JE
DATE 5/9/05 TIME 9:45 AMM. [REDACTED]
OF [REDACTED]
PHONE/ MOBILE [REDACTED]

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Thank youSIGNED J. 1184**IMPORTANT MESSAGE**FOR JE
DATE 5/9/05 TIME 12:15 AMM Lowexhon
OF [REDACTED]
PHONE/ MOBILE [REDACTED]

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL	<input checked="" type="checkbox"/>	SPECIAL ATTENTION	

MESSAGE _____

SIGNED J. 1184

SAO2990

IMPORTANT MESSAGE

FOR J.E.
 DATE 5/24/05 TIME 9:10 PM
 M Eva

OF _____
 PHONE/MOBILE call her at home

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE _____

SIGNED _____

1184

IMPORTANT MESSAGE

FOR J.E.
 DATE 5/19/05 TIME 7:20 PM
 M Mrs Maxwell

OF _____
 PHONE/MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE _____

SIGNED T

1184

IMPORTANT MESSAGE

FOR JE
 DATE [REDACTED] TIME 12 PM
 M [REDACTED]

OF [REDACTED]
 PHONE/MOBILE [REDACTED]

TELEPHONED	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE _____

SIGNED _____

SA02991

1184

IMPORTANT MESSAGE

FOR JE
 DATE [REDACTED] TIME 10:25 PM
 M [REDACTED]

OF _____
 PHONE/MOBILE _____

TELEPHONED	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	SPECIAL ATTENTION	<input checked="" type="checkbox"/>

MESSAGE She got thereSafe

SIGNED _____

1184

IMPORTANT MESSAGEFOR Sarah
DATE 6-18-05 TIME 3:10 A.M.
P.M.

M

OF

PHONE/
MOBILE

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE

SIGNED L

1184

IMPORTANT MESSAGEFOR J. E.
DATE 6/13/05 TIME 10:5 A.M.
P.M.

M

OF

PHONE/
MOBILE

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE

Please call her
backSIGNED J

1184

IMPORTANT MESSAGEFOR Jeffrey
DATE 6/12/05 TIME 12:05 A.M.
P.M.

M

OF

PHONE/
MOBILE

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE

SIGNED

1184

IMPORTANT MESSAGEFOR Mr. J. Epstein
DATE 6/11/05 TIME 12:35 A.M.
P.M.

M

OF

PHONE/
MOBILE

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL	<input checked="" type="checkbox"/>	SPECIAL ATTENTION	

MESSAGE

SAO01078

SIGNED X

1184

IMPORTANT MESSAGEFOR J.E.
DATE 7/4/05 TIME 6:25 ^{AM} _{P.M.}

M _____

OF G.M.PHONE/
MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE _____

_____SIGNED J. 1184**IMPORTANT MESSAGE**FOR J.E.
DATE 7/4/05 TIME 7:20 ^{AM} _{P.M.}

M _____

OF _____

PHONE/
MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE _____

_____SIGNED T 1184**IMPORTANT MESSAGE**FOR JE
DATE _____ TIME 12:30 ^{AM} _{P.M.}M G-

OF _____

PHONE/
MOBILE _____

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE She called Eduardo -
she's going to have
dinner w/ him - He's not
going to Grand Prix -
but she told her to
call his Secretary to
organize passes -

SIGNED _____ 1184

IMPORTANT MESSAGEFOR JE
DATE _____ TIME 10:35 ^{AM} _{P.M.}

M _____

PHONE/
MOBILE _____

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE called to say
goodnight

SIGNED _____ 1184

SAO01081

IMPORTANT MESSAGE

FOR J.E.
 DATE 8/19/05 TIME _____ A.M.
 P.M.
 M Cecilia

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE

Remanid you
about conference
call at 9 AM

SIGNED J

1184

IMPORTANT MESSAGE

FOR Jeffrey
 DATE 25/07/05 TIME 11:45 A.M.
 P.M.
 M from Wexner office

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE

Jim Lucas the
head of the text
department has
answer on aircraft
His number is

SIGNED _____

1184

IMPORTANT MESSAGE

FOR JE
 DATE _____ TIME _____ A.M.
 P.M.
 M _____

OF Josanna
 PHONE/
 MOBILE _____

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE

She doesn't want to camp
to the movies but call her
if you want a massage
before or after the
movie.

SIGNED _____

1184

IMPORTANT MESSAGE

FOR JE
 DATE _____ TIME 9:00 A.M.
 P.M.
 M G-

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE

She's at 7/5th
please call

SIGNED _____

SAO01084

1184

IMPORTANT MESSAGE			
FOR <u>J.E.</u>			
DATE <u>8/19/05</u>		TIME <u>4:12</u> <u>A.M.</u>	
M <u>G.M.</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>she left</u> <u>message on answering</u> <u>machine.</u>			
SIGNED <u>J.</u> 1184			

IMPORTANT MESSAGE			
FOR <u>8/19/05</u> <u>7:50</u> <u>A.M.</u>			
DATE <u>Adriana</u>		TIME _____ <u>P.M.</u>	
M _____			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>key to get information</u> <u>where he has to go to</u> <u>Hampton and how to met</u> <u>this person?</u> <u>He can be reach on</u> [REDACTED] <u>cell phone</u> <u>J</u>			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>JE</u>			
DATE _____		TIME _____ <u>A.M.</u>	
M _____			
OF <u>Savoh</u>			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU	<u>5</u>	RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>plea</u> [REDACTED] <u>work</u> <u>on Sunday @ 4.00 and</u> <u>@ 4.30</u>			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>8/19/05</u> <u>7:55</u> <u>A.M.</u>			
DATE <u>Adriana</u>		TIME _____ <u>P.M.</u>	
M _____			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>will be here tomorrow</u> <u>at 11:00 AM</u>			
SIGNED <u>J.</u> <u>SAO01085</u> 1184			

IMPORTANT MESSAGE			
FOR <u>J.E.</u>			
DATE <u>9/3/05</u>		TIME <u>8:50</u> A.M. P.M.	
M <u>Adriana</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>I left message</u> <u>for [REDACTED] to</u> <u>confirm for 11:00 AM</u> <u>and [REDACTED]</u> <u>for 4:30 PM</u>			
SIGNED <u>J.</u> 1184			

IMPORTANT MESSAGE			
FOR <u>J.E.</u>			
DATE <u>8/22/05</u>		TIME <u>9:20</u> A.M. P.M.	
M <u>Nicole</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SIGNED <u>J.</u> 1184			

IMPORTANT MESSAGE			
FOR <u>J.E.</u>			
DATE <u>9/4/05</u>		TIME <u>12:55</u> A.M. P.M.	
M <u>[REDACTED]</u>			
OF <u>[REDACTED]</u>			
PHONE/ MOBILE <u>[REDACTED]</u>			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>She would like to</u> <u>reschedule her</u> <u>time</u>			
SIGNED <u>J.</u> 1184			

IMPORTANT MESSAGE			
FOR <u>J.E.</u>			
DATE <u>8/22/05</u>		TIME _____ A.M. P.M.	
M <u>G.M.</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SIGNED <u>J.</u> 1184			

SAO01477

IMPORTANT MESSAGE			
FOR <u>Mr. J. Epstein</u>			
DATE <u>8/23/05</u>		TIME <u>2:18</u> A.M. P.M.	
M. <u>[REDACTED]</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SIGNED <u>L</u> 1184			

IMPORTANT MESSAGE			
FOR <u>TE</u>			
DATE _____		TIME _____ A.M. P.M.	
M. _____			
OF <u>Smith</u>			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>Call him back, please</u>			
SIGNED _____ 1184			

IMPORTANT MESSAGE			
FOR <u>Mr. J. Epstein</u>			
DATE <u>8/22</u>		TIME <u>4:21</u> A.M. P.M.	
M. <u>[REDACTED]</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>Please call her</u>			
SIGNED <u>L</u> 1184			

IMPORTANT MESSAGE			
FOR <u>Mr. J. Epstein</u>			
DATE <u>8/21</u>		TIME <u>11:39</u> A.M. P.M.	
M. <u>[REDACTED]</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>I cannot work today. I will be here at 4:00 PM.</u>			
SIGNED <u>L</u> 1184			

SAO01449

IMPORTANT MESSAGEFOR _____
DATE _____ TIME _____ A.M.
P.M.

M. _____

OF _____

PHONE/
MOBILE _____

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE _____

I went to a store to
buy food
I will be back @ 5.00

SIGNED _____ 1184

IMPORTANT MESSAGEFOR JE
DATE _____ TIME _____ A.M.
P.M.

M _____

OF AdrianaPHONE/
MOBILE _____

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE _____

_____ & _____ ave
confirmed

SIGNED _____ 1184

IMPORTANT MESSAGEFOR JE
DATE _____ TIME _____ A.M.
P.M.

M _____

OF _____

PHONE/
MOBILE _____

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE _____

Please call back

SIGNED _____ 1184

IMPORTANT MESSAGEFOR _____
DATE _____ TIME _____ A.M.
P.M.

M _____

OF _____

PHONE/
MOBILE _____

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE _____

The movie
starts @ 7.15

SIGNED _____ 1184

SA001086

IMPORTANT MESSAGE

FOR J.E.
 DATE 9/4/05 TIME 3:40 ^{AM}_{PM}
 M _____

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE _____

SIGNED J. 1184

IMPORTANT MESSAGE

FOR Mrs. B. Maxwell
 DATE 9/4/05 TIME 1:40 ^{AM}_{PM}
 M _____

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE She will be here
at 3^{pm} with family.

SIGNED L. 1184

IMPORTANT MESSAGE

FOR J.E.
 DATE 9/4/05 TIME 7:25 ^{AM}_{PM}
 M Adriana

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Canceled
She would like to speak
to you. I believe about
college

Should I schedule any
one else?

SIGNED J. 1184

IMPORTANT MESSAGE

FOR Mr. J. Epstein
 DATE 9/4/05 TIME 2:08 ^{AM}_{PM}
 M _____

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE _____

SAO01089

SIGNED L. 1184

IMPORTANT MESSAGE			
FOR <u>J.E.</u>			
DATE <u>9/10/05</u>		TIME <u>11:16</u> <small>A.M.</small>	
M <u>G.M.</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>got invitation</u>			
SIGNED <u>J.</u> 1184			

IMPORTANT MESSAGE			
FOR <u>J.E.</u>			
DATE <u>9/5/05</u>		TIME <u>10:25</u> <small>A.M.</small>	
M <u>[REDACTED]</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>5:00 PM</u> <u>is O.K. with her</u>			
SIGNED <u>J.</u> 1184			

IMPORTANT MESSAGE			
FOR <u>J.E.</u>			
DATE <u>9/10/05</u>		TIME <u>11:16</u> <small>A.M.</small>	
M <u>G.M.</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>got an invitation</u>			
SIGNED <u>J.</u> 1184			

IMPORTANT MESSAGE			
FOR <u>J.E.</u>			
DATE <u>9/8/05</u>		TIME <u>4:30</u> <small>A.M.</small>	
M <u>[REDACTED]</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>Her new phone #</u>			
SAO01090			
SIGNED <u>J.</u> 1184			

IMPORTANT MESSAGE

FOR J.E.
 DATE 9/10/05 TIME 12:50 ^{AM}
 M. [REDACTED]

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE Call her in
North Salem

SIGNED J. 1184

IMPORTANT MESSAGE

FOR J.E.
 DATE 9/10/05 TIME 11:16 ^{AM}
 M. G.M.

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE decline invitation

SIGNED J. 1184

IMPORTANT MESSAGE

FOR J.E.
 DATE _____ TIME _____ A.M.
 P.M.
 M. [REDACTED]
 OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE RETURNING
YOUR
CALL

@ 12²⁰
 SIGNED _____ 1184

IMPORTANT MESSAGE

FOR J.E.
 DATE 9/10/05 TIME 1:15 ^{AM}
 M. Adriana
 OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE [REDACTED] confirm
4 PM

SIGNED J. 1184
 SA001091

IMPORTANT MESSAGE

FOR J.E.
 DATE 9/11/05 TIME 9:15 AM
 M. Adriana

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE
I got a car for

SIGNED J. 1184

IMPORTANT MESSAGE

FOR JE
 DATE _____ TIME _____ AM
 M. _____

OF N
 PHONE/
 MOBILE _____

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE
Adriana hasn't confirmed
[REDACTED] 11.00 yet so
she is keeping [REDACTED]
on hold in case [REDACTED]
doesn't call back

SIGNED _____ 1184

IMPORTANT MESSAGE

FOR Mr. J. Epstein
 DATE 9/11/05 TIME 10:01 AM
 M. [REDACTED]

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/> PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE _____

SIGNED L 1184

IMPORTANT MESSAGE

FOR J.E.
 DATE 9/10/05 TIME 10:10 AM
 M. Adriana

OF _____
 PHONE/
 MOBILE _____

TELEPHONED	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	SPECIAL ATTENTION	

MESSAGE
[REDACTED] will be at
11:AM
Do you want me to
cancel [REDACTED]

SIGNED J. **SAO01093** 1184

FROM T.I.

IMPORTANT MESSAGE

FOR J.E.
 DATE 10/1/05 TIME 2:50 ^{A.M.}/_{P.M.}
 M [REDACTED]
 OF _____
 PHONE/MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE _____

SIGNED T 1184

IMPORTANT MESSAGE

FOR J.E.
 DATE 10/1/05 TIME 9:50 ^{A.M.}/_{P.M.}
 M Sorah
 OF _____
 PHONE/MOBILE _____

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE ... confidential
at 11 AM
and ... 4 PM

SIGNED J 1184

IMPORTANT MESSAGE

FOR J.E.
 DATE 10/1/05 TIME 7:10 ^{A.M.}/_{P.M.}
 M [REDACTED]
 OF _____
 PHONE/MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE _____

SIGNED T 1184

IMPORTANT MESSAGE

FOR J.E.
 DATE 10/1/05 TIME 10:15 ^{A.M.}/_{P.M.}
 M [REDACTED]
 OF _____
 PHONE/MOBILE _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE _____

SAO01469

SIGNED T 1184

IMPORTANT MESSAGE			
FOR <u>J. E.</u>			
DATE <u>10/2/05</u>		TIME <u>10:40</u> <small>A.M.</small>	
M <u>Sarah</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>[REDACTED] is sick</u> <u>and she can't</u> <u>come today</u>			
SIGNED <u>J.</u> 1184			

IMPORTANT MESSAGE			
FOR <u>J. E.</u>			
DATE <u>10/2/05</u>		TIME <u>7:20</u> <small>A.M.</small>	
M <u>[REDACTED]</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SIGNED <u>J.</u> 1184			

IMPORTANT MESSAGE			
FOR <u>Mr. J. Epstein</u>			
DATE <u>Oct. 2 05</u>		TIME <u>12:30</u> <small>A.M.</small>	
M <u>[REDACTED]</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE <u>[REDACTED]</u>			
SIGNED <u>L</u> 1184			

IMPORTANT MESSAGE			
FOR <u>J. E.</u>			
DATE <u>10/2/05</u>		TIME <u>10:20</u> <small>A.M.</small>	
M <u>[REDACTED]</u>			
OF _____			
PHONE/ MOBILE _____			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE _____			
SAO01470			
SIGNED <u>J.</u> 1184			

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VIRGINIA L. GIUFFRE,
Plaintiff,
v.
GHISLAINE MAXWELL,
Defendant.
-----X

15-cv-07433-RWS

DEFENDANT’S SUBMISSION REGARDING “SEARCH TERMS” AND NOTICE OF
COMPLIANCE WITH COURT ORDER
CONCERNING FORENSIC EXAMINATION OF DEVICES

Laura A. Menninger
Jeffrey S. Pagliuca
HADDON, MORGAN, AND FOREMAN, P.C.
East 10th Avenue
Denver, CO 80203
303.831.7364

Defendant Ghislaine Maxwell (“Ms. Maxwell”) respectfully files the following Submission Concerning Search Terms and Notice of Compliance with Court Order regarding Forensic Examination of Devices, as follows:

INTRODUCTION

Defense counsel has already run the amended list of search terms proposed by Plaintiff on each applicable device and as to each email account to which Ms. Maxwell has access. Based on those searches, not one single additional responsive and non-privileged document has been identified. Ms. Maxwell’s original search for responsive documents was complete at the time it was conducted in February 2016. The recent forensic imaging and searches have merely confirmed as much. Plaintiff has sent defense counsel, this Court and Ms. Maxwell on a costly, time-consuming and burdensome wild goose chase that has yielded not so much as a single goose feather. It is time to call off the hunt.

Submission Concerning Search Terms

The Requests for Production

Ms. Maxwell served Responses and Objections to Plaintiff’s First Discovery Requests on February 8, 2016. Those requests sought, *inter alia*:

- all communications with thirteen specific witnesses, namely Jeffrey Epstein, Virginia Roberts, Prince Andrew, Ross Gow, Alan Dershowitz, Emmy Taylor, Sarah Kellen, Glenn and Eva Dubin, Jean Luc Brunel, Nadia Marcincova and Bill and Hillary Clinton (RFPs 1, 2, 3, 4, 6, 17, 32 and 37)
- documents relating to various topics include massages (RFP 5 and 29), travel records (RFPs 8, 9, 14 and 39), a civil deposition in 2010 (RFP 19), and Ms. Maxwell’s professional affiliation with Jeffrey Epstein (RFPs 10, 11, 12, 15, 20, 23, 24, 30);
- documents relating to any contact between Ms. Maxwell and law enforcement (RFP 13 and 38);
- photos of females under the age of 18 (RFP 7), of any time inside a home or aircraft of Epstein (RFP 15), of Plaintiff (RFP 18);

- documents relating otherwise to Plaintiff including her hospital records (RFP 25), passport (RFP 26), monetary payments made to her (RFP 27), her employment (RFP 28), and any person to whom she gave a massage (RFP 29).

Ms. Maxwell conducted a thorough search of her email systems and her devices prior to her production on February 8, 2016. All documents identified as responsive were reviewed by counsel and either produced or placed on a privilege log. The First Responses were the subject of litigation in March and April 2016. This Court limited the scope of a number of the requests (*see* Transcript of March 17, 2016 and Order of April 15, 2016 (Doc. # 098), and Ms. Maxwell later produced, pursuant to this Court's Order, documents that originally had been withheld pursuant to privilege. As of April 18, Ms. Maxwell's production of documents responsive to Plaintiff's First Request for Production of Documents was complete.

Plaintiff served a Second set of Requests for Production on April 14. Those Requests primarily concerned police reports about Plaintiff's various contacts with law enforcement and how the defense was able to obtain those publicly-available documents (RFP's 1-5, 19). The Second Requests also sought:

- Joint Defense Agreements with Mr. Epstein and Mr. Dershowitz (RFPs 6, 7, 9 and 10) and communications with Mr. Dershowitz's counsel (RFP 11);
- "all documents concerning Virginia Giuffre" (RFP 12);
- any contracts with or agreement for legal fees to be paid by Epstein (RFP 13-15);
- documents concerning public statements made by Ms. Maxwell (RFP 17-18).

Again, Ms. Maxwell and her counsel conducted a thorough search and produced any responsive non-privileged documents.

To date, Ms. Maxwell has produced 1,130 pages of documents. Litigation concerning whether the searches conducted were thorough enough then ensued leading to the instant submission.

Search Terms

On June 20, 2016, this Court Ordered

Defendant is ordered to collect all ESI by imaging her computers and collecting all email and text messages on any devices in Defendant's possession or to which she has access that Defendant used between the period of 2002 to present. Defendant is further directed to run ***mutually- agreed upon search terms related to Plaintiff's requests for production*** over the aforementioned ESI and produce responsive documents within 21 days of distribution of this opinion.

On June 30, 2016, Plaintiff's counsel provided a list of 368 search terms. See Menninger

Decl. Ex. A. Plaintiff's proposal included astoundingly broad terms, to wit:

- "Terramar" -- both the name of Ms. Maxwell's non-profit and [REDACTED]
- [REDACTED]
- [REDACTED]
- "max*" -- part of Ms. Maxwell's last name, as well as all of her paternal relatives' names.
- "GM" -- Ms. Maxwell's initials.
- common words such as "hotel," suite, villa, "bed," "bath," and "lingerie."

Plaintiff's originally proposed search terms would literally hit on every single email from either Ms. Maxwell's personal or her business email addresses, as well as every document related to the non-profit, The Terramar Project, that Ms. Maxwell founded and runs.

Plaintiff's originally proposed terms also failed to relate to the actual discovery requests upon which they were to be based. For search terms 124-341, Plaintiff took her own Rule 26 disclosures, separated the first and last names of each witness she had identified, and asked that they be searched individually (along with "wild card character searches"), even though, as described above there were only 13 specific witnesses for whom Plaintiff had actually sought all communications. For example, Plaintiff wanted the names Bill, Mark, Phil, Bob, Mike and Todd

searched yet there is no RFP related to those names, nor the vast majority of the other listed first and surnames.¹

By correspondence of July 14, Ms. Maxwell's counsel specifically identified the problematic terms, agreed to a limited list, and requested a substantive conferral call on this issue. *See* Menninger Decl., Ex. B. In that correspondence, Defendant's counsel gave specific reasons for the objection to a number of the terms that were problematic in that they called for the search of common words, names or phrases that would likely result pulling documents completely unrelated to this case. *Id.* Counsel also suggested proposed limiting terms with respect to names of individuals to appropriately limit the scope and target the search. *Id.* (suggesting limitations on searches of names to "make some effort to match them to actual people who have some relationship to this case (like first name /3 last name or some parts thereof)").

After explaining the appropriate and well-reasoned objections to certain terms, defense Counsel agreed to search *over 110 of Plaintiff's proposed search terms*, despite the fact that many of those terms were objectionable. *Id.* ("Although many of your other search terms are a

¹ On or about June 27, 2016, Plaintiff's counsel Bradley Edwards and Defendant's counsel Jeffery Pagliuca held a telephone meet and confer conference on a number of issues. Among the issues raised by Mr. Pagliuca was the overbreadth of the proposed search terms. The discussion was left that Mr. Edwards would talk with Plaintiff's team of lawyers to narrow the scope, as Mr. Pagliuca understood it. Thus, contrary to the representation in the Motion, Ms. Maxwell's counsel *did inform* Plaintiff's counsel of their disagreement with the proposed search terms. As well, Mr. Pagliuca informed Mr. Edwards that because he, Laura Menninger and Ms. Maxwell were all traveling on vacations in the weeks before and after the 4th of July holiday, that they would need additional time to comply with the Court's Order and provide the production. Mr. Pagliuca and Mr. Edwards agreed that productions would be made prior to Ms. Maxwell's second deposition, scheduled by agreement on July 22, 2016.

Based on this discussion, defense counsel was blindsided when they received the Motion for Sanctions, anticipating that they would soon be receiving a substantially limited and modified list of proposed search terms to permit search and production prior to the July 22 deposition. In the interim, all of Ms. Maxwell's electronic devices had been sent for imaging.

Defense counsel corresponded with Plaintiff's counsel upon receipt of the Motion for Sanctions, requesting that it be withdrawn (without prejudice), pending completion of conferral on the search terms as required by this Court's specific and general orders on conferral. It appears there was a miscommunication between Plaintiff's own counsel on this issue, as well as between counsel for both of the parties; but, it was clearly just that – a miscommunication and misunderstanding on where things stood.

tremendous stretch, I can agree to them in the interest of getting the search done on a timely basis.”).² Having heard nothing from Plaintiff’s counsel by the close of business on July 15, 2016, Ms. Maxwell’s counsel ran the 110 of Plaintiff’s proposed terms on the forensic images of Ms. Maxwell’s electronic devices and email accounts, including both [REDACTED]

Because of the breadth of the 110 terms proposed by Plaintiff, the original search resulted in **approximately 9,000 documents** and communications containing one or more term in the content or meta-data. The volume of the documents is explained by the breadth of the terms searched, resulting in pulling non-relevant, non-responsive information from Ms. Maxwell’s electronic devices and emails, including thousands of underwater photos related to Ms. Maxwell’s non-profit, the word “passport” due to the fact that the Terramar Project includes an “ocean passport” program, as well as numerous family holiday photos. All of the documents were reviewed individually by counsel for Ms. Maxwell for responsiveness to Plaintiff’s discovery request, pursuant to this Court’s Order. Of those documents, the only responsive documents were either communications between Ms. Maxwell and current counsel or were communications with, or prepared at the request of, Ms. Maxwell’s UK Counsel, Philip Barden,

² Defense counsel specifically requested a telephone conference to discuss any of the other terms, noting that the search would need to proceed over the weekend to permit review and production of any documents prior to Defendant’s deposition on July 22, 2016. *Id.* (“***I am available by telephone today and tomorrow to discuss the issues raised herein.*** If I do not hear from you, I will presume that you are in agreement to the remainder of the terms being run on the devices.”). Plaintiff’s counsel did not timely respond to the July 14, 2016 letter, the clearly articulated counter-proposed terms (over 110 of the 368 proposed by Plaintiff), or set a time to discuss the articulated objections to other terms. Instead, on July 18, 2016, Plaintiff’s filed a response to the Letter Motion to Strike for Failure to Confer, inexplicably and inaccurately claiming 1) that defendant is running “secret search terms” and 2) claiming that defendant’s counsel refused to confer *despite the clear conferral letter and request for telephone conference.* See July 18, 2016 Letter to the Court from M. Shultz.

³ Plaintiff also requested searches of old email accounts of Defendant [REDACTED]. Ms. Maxwell has been able to access the [REDACTED] account and it contains no responsive documents. Ms. Maxwell has been unable to access [REDACTED] and does not recall ever using that account.

in anticipation of a potential lawsuit in the United Kingdom. *See* Menninger Decl. at paragraph 8. The documents concerning Mr. Barden have been added to the privilege log. *Id.*

Upon receipt of Plaintiff's Response to the Letter Motion to Strike for Plaintiff's failure to confer, the undersigned reiterated that there were no "secret search terms" and that Plaintiff's own proposed terms were used, as limited. *See* Menninger Decl., Ex. C. Defense counsel also reiterated the request for Court Ordered conferral, again offering times to confer that would permit any additional terms to be run, documents reviewed and production of non-privileged responsive documents (if any) prior to Ms. Maxwell's July 22, 2016 second deposition. *Id.*

Plaintiff's Revised List of Search Terms

Finally, on July 19, 2016, Plaintiff's counsel agreed to a telephone call with the undersigned to discuss the lack of responsive documents to the 110 search terms already run, as well as the remaining objectionable terms and their purported relevance. During the call, Plaintiff's counsel argued that their proposed search terms numbered 124-341 were relevant because they were witness names "related to massages" (RFP 5). That justification was clearly lacking because the terms included names like "Dore Louis," who is a lawyer for witness Johana Sjoberg and whose wife works with Ms. McCawley. They also included Plaintiff's treating physician Karen Kutikoff, Plaintiff's literary agent Jarred Weisfeld, Plaintiff's mother Lynn Miller, Detective Joe Recarey, Mr. Edwards' law partner Scott Rothstein, and countless other people who would have no knowledge of any massages nor otherwise were related to the discovery requests at issue. *See* Menninger Decl. Ex. A. Moreover, Ms. Maxwell already had run the Plaintiff's proposed terms related to massages, including "massage," "masseuse," "masseur," and "therapy." In effect, Plaintiff proposed search terms sought to expand her discovery requests from communications with a discrete set of individuals to *all communications*

with anyone that Plaintiff believed was or might be a witness, although no discovery requests called for such communications.

Consequently, during the conferral call, Plaintiff's counsel agreed to withdraw the vast majority of objectionable terms. She also agreed to supply a list of witnesses who she believes truly might in some way relate to "massages" and submit that to defense counsel. *See* Menninger Decl., Ex. D. Plaintiff thereafter provided an additional 66 terms, all names, which Plaintiff claims she has some reason to believe are "related to massages." Menninger Decl. Ex. E. Ms. Maxwell does not believe that searching these terms is appropriate, because, for example, the names include a journalist (Vicky Ward), Mr. Epstein's elderly secretary, and various business people that form part of Plaintiff's false narrative regarding her "sex trafficking," and searching for names in the absence of a topic (i.e., massages) is well-beyond the actual requests for production.

Nevertheless, Ms. Maxwell did in fact run all of the names proposed by Plaintiff against the forensic images of Ms. Maxwell's computers and her email accounts. The second search yielded 284 additional documents, each of which were reviewed individually by counsel for Ms. Maxwell. Menninger Decl. paragraph 8 and 9. Again, not a single responsive, non-privileged document was located; the vast majority of documents were pleadings from this case.

The complete list of terms run against Ms. Maxwell's electronic devices and email accounts as agreed to by the parties is attached. Menninger Decl., Ex. F. Compliance with the Court's Order to run agreed to terms was completed by July 21, 2016, prior to Ms. Maxwell's second deposition.

Other Email Accounts

In addition to her home and work email addresses, Plaintiff also requested that Ms. Maxwell access two other email accounts that Plaintiff believes are associated with Ms. Maxwell, specifically [REDACTED].

Ms. Maxwell has used the [REDACTED] account as a “spam account,” i.e., an account address to use when registering for retail sales notifications and the like. Nevertheless, undersigned counsel gained access to that account and searched all of the documents contained therein, including in folders for inbox, trash and sent. The email account contained no responsive documents.

Ms. Maxwell does not recall ever using an account with [REDACTED]. She has attempted unsuccessfully to access that account. Counsel’s own attempts to access the account yields a message: “The email address you entered is not an [REDACTED] email address or ID.” Counsel for Ms. Maxwell has no reason to believe that the account exists.

Conclusion

WHEREFORE, counsel for Ms. Maxwell through a certified forensic examiner has:

- a. imaged the hard-drives of Ms. Maxwell’s devices;
- b. imaged the servers containing emails from Ms. Maxwell’s personal and business email accounts;
- c. searched those forensic images for the search terms *proposed by Plaintiff* – including 110 from the first list and the additional 66 terms sent on July 19.

Counsel for Ms. Maxwell has reviewed the documents obtained from the searches described above as well as thoroughly searched the email account [REDACTED].

No additional responsive, non-privileged documents were identified in that process. An updated privilege log reflecting communications with Mr. Barden has been produced to Plaintiff.

Ms. Maxwell hereby respectfully requests that:

- i. Plaintiff Virginia Giuffre's Motion for an Adverse Inference Instruction Pursuant to Rule 37(b), (e) and (f), Fed. R. Civ. P., be stricken;
- ii. Ms. Maxwell be awarded the costs of engaging the forensic examiner.

Dated: August 1, 2016.

Respectfully submitted,

/s/ Laura A. Menninger

Laura A. Menninger (LM-1374)
Jeffrey S. Pagliuca (*pro hac vice*)
HADDON, MORGAN AND FOREMAN, P.C.
150 East 10th Avenue
Denver, CO 80203
Phone: 303.831.7364
Fax: 303.832.2628
lmenninger@hmflaw.com

Attorneys for Ghislaine Maxwell

CERTIFICATE OF SERVICE

I certify that on August 1, 2016, I electronically served this *Defendant's Submission* regarding "Search Terms" and Notice of Compliance with Court Order Concerning Forensic Examination of Computer Device via ECF on the following:

Sigrid S. McCawley
Meredith Schultz
BOIES, SCHILLER & FLEXNER, LLP
401 East Las Olas Boulevard, Ste. 1200
Ft. Lauderdale, FL 33301
smccawley@bsfllp.com
mschultz@bsfllp.com

Bradley J. Edwards
FARMER, JAFFE, WEISSING, EDWARDS,
FISTOS & LEHRMAN, P.L.
425 North Andrews Ave., Ste. 2
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brad@pathtojustice.com

Paul G. Cassell
383 S. University Street
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cassellp@law.utah.edu

J. Stanley Pottinger
49 Twin Lakes Rd.
South Salem, NY 10590
StanPottinger@aol.com

/s/ Nicole Simmons
Nicole Simmons

EXHIBIT A

BOIES, SCHILLER & FLEXNER LLP

401 EAST LAS OLAS BOULEVARD • SUITE 1200 • FORT LAUDERDALE, FL 33301-2211 • PH. 954.356.0011 • FAX 954.356.0022

Meredith L. Schultz, Esq.
E-mail: mschultz@bsfllp.com

June 30, 2016

VIA E-MAIL

Laura A. Menninger, Esq.
HADDON, MORGAN AND FOREMAN, P.C.
150 East 10th Avenue
Denver, Colorado 80203
lmenninger@hmflaw.com

Re: *Guiffre v. Maxwell*
Case No. 15-cv-07433-RWS

Dear Laura,

I write pursuant to this Court's June 20, 2016, Order regarding search and production from Defendant's electronic media. Accordingly, please use IMAP Capable software (or a functional equivalent) to capture all of the sent/received emails from Ms. Maxwell's various email accounts, including but not limited to the following: (1) [REDACTED] (and any other accounts at [REDACTED] and any other accounts at [REDACTED] (3) any of Ms. Maxwell's email account associated with The Terramar Project (including any account [REDACTED]; and (4) any other email accounts either used in the past, or currently in use.

Additionally, please use FileSeek software (or a functional equivalent) to retrieve any data, including electronic documents (such as Word documents; PDFs; Excel sheets; etc.), from Ms. Maxwell's devices, including personal computers, work computers, any tablets, and any phones. This includes any cloud storage accounts. Please confirm that you have imaged Ms. Maxwell's hard drives and other devices.

Once you have gathered that data onto a platform (such as Summation or its functional equivalent), please run the below search terms. Since the Court ordered us to negotiate the search terms, please let me know if you think additional terms would be appropriate or whether you object to any terms, and your basis thereof.

When applying the search terms, the search terms need to "hit" on documents even if the terms are embedded within other words. So, for example, the term "acuity" would yield a hit on the document, even if the word in the document is "acuityreputatoin." To return a hit on those

Laura A. Menninger, Esq.
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Page 2 of 12

embedded terms, I request that you use “wildcards” to ensure that embedded terms are located. (Wildcard characters are used to expand word searches into pattern searches by “replacing” single or multiple characters.) Where there are a specific number of characters needed to be included, a single wildcard will achieve that purpose. For example, in some programs, ! is used for single character wildcards, and * is used for multiple character wildcards. For instance:

- (a) Single character wildcard example: a search for **L!n!** will return “long,” “link,” “lane,” “lone,” etc.
- (b) Multiple character wildcard example: a search for **chil*** will return “children,” “chill,” “chilling,” etc.
- (c) Mixed use of wildcards: a search for **L!n*** will return “lines,” “lining,” “linty,” etc.

Accordingly, the below search terms are submitted with wildcard characters to be applied in the manner of the examples above. Please apply them as such with whatever characters is required by the software/platform that you will be using.

Similarly, regarding how the terms are combined (**AND** or **OR**). **OR** should expand your results while **AND** will restrict result to only those which include all the terms.

Additionally, I want to clarify that I would like all of the metadata to be searched in addition to the text of the documents. For example, if the search term is “acuity,” “hits” should include all the document that include the word “acuity” in their text OR in their metadata (this includes words in items such as email subjects, filenames, as well as any documents which include that word somewhere within their text).

I also wanted to point out another special syntax with regard to proximity searching. This is a search that finds words within a specified distance from one another. On some software, this is represented as w/#, so a search for “**meet w/2 greet**” will return “meet and greet,” “greet and meet” and “meet and nicely greet.” Please apply accordingly.

Additionally, for searches for people’s initials in the search terms, please use “exact matches,” “stand alone,” or “literal” terms (see, e.g., PA, AD, JE, GM).

Finally, the search terms are **not** to be treated as case-sensitive, meaning that the terms should be searched according to their letters, regardless of whether they are represented in the list as containing upper case or lower case letters.


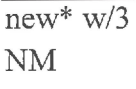
The following are the applicable search terms.

- 1) jef*
- 2) geof*


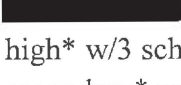
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- 3) epst!!n*
- 4) jeevacation*
- 5) j* w/2 *jep*
- 6) j* w/2 *jeep*
- 7) roberts*
- 8) g!!ff!!*
- 9) virginia*
- 10) jenna*
- 11) jena*
- 12) genna*
- 13) andrew*
- 14) prince*
- 15) royal*
- 16) PA
- 17) JE
- 18) GM
- 19) AD
- 20) AH
- 21) GX
- 22) massage*
- 23) masseur*
- 24) therapist*
- 25) ellmax*
- 26) mindspring*
- 27) gmax*
- 28) emmy*
- 29) taylor*
- 30) sara*
- 31) kellen*
- 32) kensington*
- 33) vikers*
- 34) dubin*
- 35) eva*
- 36) glen*
- 37) brunel*
- 38) jean*
- 39) luc*
- 40) nadia*

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- 41) marcinko*
- 42) *copter*
- 43) chopper*
- 44) pilot*
- 45) manifest*
- 46) log*
- 47) flight*
- 48) passport*
- 49) terramar*
- 50) southern* w/3 district*
- 51) palm* w/3 beach*
- 52) state* /3 attorney*
- 53) ross*
- 54) gow*
- 55) acuity*
- 56) victoria* w/3 secret*
- 57) al!n*
- 58) all!n*
- 59) dersh*
- 60) law.harvard.edu*
- 61) alandersh*
- 62) 
- 63) 
- 64) new* w/3 mexico*
- 65) NM
- 66) virgin* w/3 island*
- 67) usvi*
- 68) little* w/3 st*
- 69) little* w/3 saint*
- 70) st* w/3 j*
- 71) saint* w/3 j*
- 72) lsj*
- 73) lago*
- 74) clinton*
- 75) BC
- 76) HC
- 77) HRC
- 78) police*

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79) cop*
80) fbi*
81) federal* w/3 bur*
82) bur* w/8 inves! *
83) sex*
84) abuse*
85) toy*
86) dildo*
87) strap* w/3 on*
88) vibr*
89) sm* w/3 101*
90) slave*
91) erotic*
92) servitude*
93) 
94) 
95) high* w/3 school*
96) secondary* w/3 school*
97) campus*
98) duke*
99) york*
100) licen!e*
101) assault*
102) juvenile*
103) seal*
104) joint* w/3 defen*
105) jda
106) roadhouse*
107) grill*
108) illegal*
109) immune*
110) prosecut*
111) law* w/3 enforc*
112) jane* w/3 *doe*
113) hospital*
114) hotel*
115) suite*
116) villa*

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117) model*
118) actress*
119) france*
120) paris*
121) zoro*
122) ranch*
123) vanity* w/ 3 fair*
124) alexander*
125) kathy*
126) miles*
127) james*
128) austrich*
129) phil*
130) barden*
131) bjorlin*
132) fary*
133) boothe*
134) laura*
135) evelyn*
136) boulet*
137) boylan*
138) bec*
139) bunner*
140) casey*
141) carolyn*
142) carolin*
143) paul*
144) cassell*
145) sharon*
146) churcher*
147) cousteau*
148) alexandar*
149) devansan*
150) 
151) 
152) edwards*
153) amanda*
154) ellison*

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155) cimberly*
156) espinosa*
157) Tatiana*
158) farmer*
159) maria*
160) nn*
161) fekkai*
162) crystal*
163) figueroa*
164) anthony*
165) tony*
166) freeh*
167) louis*
168) dore*
169) gany*
170) garvin*
171) meg*
172) sheridan*
173) gibson*
174) but!e*
175) graff*
176) fred*
177) phil*
178) guderyon*
179) hall*
180) AH
181) harrison*
182) shannon*
183) victoria*
184) hazel*
185) brittany*
186) henderson*
187) jaffe*
188) carol*
189) kess*
190) kutikoff*
191) pete*
192) listerman*

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193) lyons*
194) bob*
195) meister*
196) jamie*
197) melanson*
198) lyn! * w/100 miller*
199) marvin*
200) minsky*
201) 
202) 
203) 
204) mullen*
205) pagano*
206) mary*
207) paluga*
208) stan*
209) pottinger*
210) recarey*
211) reiter*
212) richards*
213) sky*
214) rothstein*
215) forest*
216) sawyer*
217) doug*
218) schoettle*
219) cecelia*
220) stein*
221) mark*
222) tafoya*
223) brent*
224) tindall*
225) kevin*
226) kim*
227) thompson*
228) tuttle*
229) vaghan*
230) cresenda*

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231) valdes*
232) valla*
233) martiza*
234) vazquez*
235) vick*
236) ard*
237) jarr!d*
238) weisfeld*
239) courtn!y* w/5 wild*
240) alessi*
241) rizzo*
242) rinaldo*
243) biddle*
244) sophie*
245) sofie*
246) degeo*
247) anouska*



[REDACTED]
249) fontanilla*
250) lynn*
251) jo* w/3 jo*
252) gramza*
253) grant*
254) waitt*
255) ted*
256) theod*

[REDACTED]
260) kovyлина*

[REDACTED]
263) lang*

[REDACTED]
265) listerman*
266) lopez*
267) cindy*
268) lutz*

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269) mellawa*
270) brah*
271) iay*
272) 
273) 
274) mitrovich*
275) andrea*
276) peadon*
277) bill*
278) francis*
279) preece*
280) dara*
281) louella*
282) rabuyo*
283) robson*
284) haley*
285) adriana*
286) mucinska*
287) spamm*
288) visosky*
289) doug* OR dan* w/100 wilson*
290) igor*
291) zinoview*
292) allyson*
293) alyson*
294) alison*
295) allison*
296) chambers*
297) Gwendolyn*
298) beck*
299) Kelly*
300) Kelley*
301) Bovino*
302) ron*
303) burkle*
304) max*
305) cordero*
306) vald*

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307) cotrin*
308) chauntae*
309) dav*
310) teala*
311) ry!n*
312) dionne*
313) anders!n*
314) Rosalie*
315) fr!!dman*
316) tiffany*
317) Kathryn*
318) eric*
319) erik*
320) Lesl*
321) groff*
322) clair*



325) gina*
326) ignatieva*
327) bret*
328) adam*
329) perry*
330) liffman*
331) Michael*
332) mike*
333) cheri*
334) lynch*
335) todd*
336) tom*
337) Pritzker*
338) Joanna*
339) sjoberg*
340) leslie*
341) wexner*
342) underage*
343) under!age*
344) minor*

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345) daily* w/10 mail*
346) daily* w/10 news*
347) lie*
348) obvious* w/10 lie*
349) sex w/3 toy*
350) nipple*
351) schoolgirl
352) school w/3 girl
353) us w/3 att*
354) United w/3 states w/3 att*
355) Guggenheim
356) Pedophil*
357) Paedophil*
358) Gerbil*
359) Traffic*
360) Bed*
361) Bath*
362) Masturbate*
363) Ejaculate*
364) Masseuse*
365) Lingerie
366) Boies*
367) Mccawley*
368) Schultz*

Sincerely,

A handwritten signature in blue ink, appearing to read "Meredith L. Schultz". The signature is fluid and cursive, with the first name "Meredith" and last name "Schultz" clearly distinguishable.

Meredith L. Schultz

MLS:dk

EXHIBIT B

From: Laura Menninger
Sent: Thursday, July 14, 2016 2:35 PM
To: Meredith Schultz
Cc: Jeff Pagliuca; Sigrid S. McCawley - Boies, Schiller & Flexner LLP (smccawley@bsflp.com); 'brad@pathtojustice.com' (brad@pathtojustice.com)
Subject: Giuffre - Conferral regarding search terms

Meredith –

I am writing to you, in compliance with the Court's Order, to negotiate the search terms for the search of our client's electronic devices. While Jeff raised many of these issues orally with Brad last week, I am including them in written form so that there can be no dispute about our position.

I do object to the vast number of your 368 search terms. Most are not tied to any Request for Production served on Ms. Maxwell, nor the Court's Orders limiting those requests.

Terramar –

Search term 49 is "Terramar." While we are searching our client's terramar email address for otherwise responsive documents, this search term would pull up thousands of documents related to her work for that organization which are (a) non-responsive and (b) irrelevant to this action. We will not agree to this standalone search term.

Witness Names

With regard to the search terms numbered 124-341, insofar as I can tell, you have simply broken apart the first and last names of every witness included within your Rule 26 disclosures. However, you never submitted a RFP seeking all communications between our client and your witnesses. There are some RFPs which identify individual witnesses whose communications with our client you sought (e.g., 1 – Epstein, 2, -Plaintiff, 3-Prince Andrew [REDACTED] Kellen, Dubins, Brunel and Marcincova, 17-Gow, 37-Clintons) and I will include those names within our searches.

As to other names included on the list, many are incredibly common names (e.g., Bill, Mark, Phil, Pete, Bob, Mike, Todd) which you are asking to search as standalone terms, i.e., divorced from the accompanying surnames or first names. You have included the name "max*" well aware that our client's surname, and that of all of her paternal family members, will begin with those three letters together. Your search terms thus are likely to yield every single email sent or received by our client, or her family members, or any other document in her possession with her own name on the document or in the metadata, in other words hundreds of thousands of non-responsive documents. Your search terms include "bill" and thus are likely to include every bill that our client has received or sent or discussed. Your search terms include Philip Barden who the court has already ruled maintains an attorney-client relationship with our client (and to the extent others are copied on his emails, those would be captured by searches for the other people's names). You included my client's boyfriend of many years, though he is not on any witness list or in any RFP.

In sum, I will not agree to the search terms regarding witness names numbered 124-341 unless you (a) provide me with an actual RFP to which they each relate, and (b) make some effort to match them to actual people who have some relationship to this case (like first name /3 last name or some parts thereof).

Lawyer Names

What is your basis for search terms numbered 366-368: McCawley, Schultz and Boies? Likewise to the extent Mr. Edwards and Cassell are also included in the witness list, what is your basis for searching for documents referencing them? These search terms seemed designed to pull privileged attorney-client communications and do not correspond to any RFP. We will not agree to these terms.

Common Words

You have included a number of words that relate to common items and place names. Please explain which RFP allows for a search of the following terms:

50 – Southern District (which will pull up every attorney-client communication that refers to our case and includes any pleading)
51 – Palm Beach (a place our client lived for many years)
64 – New Mexico
66-72 – USVI by various names
113 – hospital
114 – 116 – hotel, suite, villa (every single travel record related to our client’s travel which the Court has not ordered)
119 – 120 – Paris, France
121 – 122 – Zoro, Ranch
360 – Bed
361 – Bath
365 - Lingerie

Other Words

Many other words have no relationship to this case. Please advise me as to (a) which RFP they correspond to and (b) your good faith basis for seeking these search terms in relation to any such RFP:

93 – Abernathy
94 – Brillo
355 – Guggenheim
358 - Gerbil

Conferral

Although many of your other search terms are a tremendous stretch, I can agree to them in the interest of getting the search done on a timely basis. According to our forensic expert, running a search on Ms. Maxwell’s devices of all 368 terms will take more than a week. I am available by telephone today and tomorrow to discuss the issues raised herein. If I do not hear from you, I will presume that you are in agreement to the remainder of the terms being run on the devices. That should allow a production of documents in time for Ms. Maxwell’s continued deposition next week.

I am intentionally not taking a position regarding the other demands you provided in your letter of June 30 at pages 1-2. The searches will be conducted in accordance with standard practices in the industry and the Court ordered us to negotiate search terms only.

-Laura



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recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading or saving it in any manner. Thank you.

EXHIBIT C

From: Laura Menninger
Sent: Monday, July 18, 2016 2:27 PM
To: 'Meredith Schultz'
Cc: Jeff Pagliuca; 'Sigrid S. McCawley - Boies, Schiller & Flexner LLP (smccawley@bsfllp.com)'; 'brad@pathtojustice.com' (brad@pathtojustice.com)
Subject: RE: Giuffre - Conferral regarding search terms

Dear Meredith,

I am in receipt of your opposition to the Letter Motion to Strike your Motion for an Adverse Inference. The representations in the Response are perplexing, particularly in light of the below email communication in which I specifically 1) informed you of the search terms that we would run derived from your list, and 2) specifically requested a telephone conference on the issue of search terms pursuant to the Court's Order and prior to any such search.

Your representation to the Court that we are running "secret search terms unilaterally chosen by Defendant" is simply inaccurate. As clearly set forth in the below email communication, in order to move production forward, we invited discussion regarding our plan to run a subset of the search terms that *you* selected. The items excluded from the search were those terms you proposed that were unattached to any discovery request, or would result in the selection irrelevant documents due to the commonality of the term or their irrelevance to this case, such as TerraMar. The terms run are not "secret" and not selected by the defense – they are "the remainder of the terms" not specifically discussed in the below email. For avoidance of doubt, it is your proposed list, *excluding* items 49, 50, 51, 64, 66-72, 93-94, 113, 114-116, 119-120, 121-122, 124-341, 355, 358, 360, 361, and 365, 366-368.

Second, and again contrary to the representation in your Response, I specifically requested a time for a telephone conferral to discuss the search terms. Specifically, I stated "***I am available by telephone today and tomorrow to discuss the issues raised herein.***" Despite this clear request for a call if there were issues you wished to discuss, or if you had specific RFP's to which the excluded terms related, I heard nothing from you on Thursday afternoon or Friday to set a time to discuss the terms or the issues raised regarding overbreadth. As such, we proceeded processing your list with the exceptions set forth.

I will reiterate my offer to set a call to discuss the excluded terms to determine if there are agreeable additions. In light of the deposition scheduled for Friday and the time it takes to run searches, any call would need to be set prior to noon MT tomorrow. Please advise, one way or the other, if you are satisfied with the list or if you would like to set a call.

-Laura



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CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain information that is confidential or legally privileged. If you are not the intended

recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading or saving it in any manner. Thank you.

From: Laura Menninger
Sent: Thursday, July 14, 2016 2:35 PM
To: Meredith Schultz
Cc: Jeff Pagliuca; Sigrid S. McCawley - Boies, Schiller & Flexner LLP (smccawley@bsflp.com); 'brad@pathtojustice.com' (brad@pathtojustice.com)
Subject: Giuffre - Conferral regarding search terms

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I am writing to you, in compliance with the Court's Order, to negotiate the search terms for the search of our client's electronic devices. While Jeff raised many of these issues orally with Brad last week, I am including them in written form so that there can be no dispute about our position.

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With regard to the search terms numbered 124-341, insofar as I can tell, you have simply broken apart the first and last names of every witness included within your Rule 26 disclosures. However, you never submitted a RFP seeking all communications between our client and your witnesses. There are some RFPs which identify individual witnesses whose communications with our client you sought (e.g., 1 – Epstein, 2, -Plaintiff, 3-Prince Andrew [REDACTED] Kellen, Dubins, Brunel and Marcincova, 17-Gow, 37-Clintons) and I will include those names within our searches.

As to other names included on the list, many are incredibly common names (e.g., Bill, Mark, Phil, Pete, Bob, Mike, Todd) which you are asking to search as standalone terms, i.e., divorced from the accompanying surnames or first names. You have included the name "max*" well aware that our client's surname, and that of all of her paternal family members, will begin with those three letters together. Your search terms thus are likely to yield every single email sent or received by our client, or her family members, or any other document in her possession with her own name on the document or in the metadata, in other words hundreds of thousands of non-responsive documents. Your search terms include "bill" and thus are likely to include every bill that our client has received or sent or discussed. Your search terms include Philip Barden who the court has already ruled maintains an attorney-client relationship with our client (and to the extent others are copied on his emails, those would be captured by searches for the other people's names). You included my client's boyfriend of many years, though he is not on any witness list or in any RFP.

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Lawyer Names

What is your basis for search terms numbered 366-368: McCawley, Schultz and Boies? Likewise to the extent Mr. Edwards and Cassell are also included in the witness list, what is your basis for searching for documents referencing them? These search terms seemed designed to pull privileged attorney-client communications and do not correspond to any RFP. We will not agree to these terms.

Common Words

You have included a number of words that relate to common items and place names. Please explain which RFP allows for a search of the following terms:

50 – Southern District (which will pull up every attorney-client communication that refers to our case and includes any pleading)
51 – Palm Beach (a place our client lived for many years)
64 – New Mexico
66-72 – USVI by various names
113 – hospital
114 – 116 – hotel, suite, villa (every single travel record related to our client’s travel which the Court has not ordered)
119 – 120 – Paris, France
121 – 122 – Zoro, Ranch
360 – Bed
361 – Bath
365 - Lingerie

Other Words

Many other words have no relationship to this case. Please advise me as to (a) which RFP they correspond to and (b) your good faith basis for seeking these search terms in relation to any such RFP:

93 – Abernathy
94 – Brillo
355 – Guggenheim
358 - Gerbil

Conferral

Although many of your other search terms are a tremendous stretch, I can agree to them in the interest of getting the search done on a timely basis. According to our forensic expert, running a search on Ms. Maxwell’s devices of all 368 terms will take more than a week. I am available by telephone today and tomorrow to discuss the issues raised herein. If I do not hear from you, I will presume that you are in agreement to the remainder of the terms being run on the devices. That should allow a production of documents in time for Ms. Maxwell’s continued deposition next week.

I am intentionally not taking a position regarding the other demands you provided in your letter of June 30 at pages 1-2. The searches will be conducted in accordance with standard practices in the industry and the Court ordered us to negotiate search terms only.

-Laura



Laura A. Menninger
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EXHIBIT D

From: Laura Menninger
Sent: Tuesday, July 19, 2016 11:33 AM
To: 'Meredith Schultz'
Subject: RE: Giuffre - Conferral regarding search terms

Meredith:

I write to confirm our oral conferral. Please let me know if you disagree with the following or if there is some other agreement you think we reached:

1. I will endeavor to have my client gain access to an earthlink account that you believe is hers. Your basis for that belief is a disk you produced last week, obtained pursuant to a FOIA request, that contained at Page 2035 an address book from approximately 2005 which has that earthlink account name next to Ms. Maxwell's name.
2. Terramar – You have withdrawn that as a standalone search term. I have represented to you that we have searched all Terramar emails for otherwise responsive documents as well as [REDACTED]
3. Witness names – You believe that search terms 124-341, which are witness names broken up into first and last names from your Rule 26 list, relate to your RFP number 5 (“All documents relating to massages...”). I represented to you that I have searched for the terms “massage,” “masseur,” “therapy” etc. as you requested, but you would still like me to search a subset of 124-341 surnames names for all communications with certain witnesses that you believe relate to “massages.” I said I would look at your list, when you send it, and evaluate whether we still object to running those more limited names to see if there are any communications that “relate to massages.” I still object that the search terms involving names is too broad and burdensome for me to have to review all communications with those individuals to try to discern what you believe may or may not relate to a “massage.”
4. Lawyer names – You have withdrawn.
5. Common words – You have withdrawn with the exception of “lingerie,” which I will run to see if it relates in some way to RFP 5 (“massages”).
6. Other words –
 - a. You have withdrawn #93 Abernathy and #94 Brillo.
 - b. I maintain my objection to Guggenheim, the name of a museum which you represented to me pertains in some way to allegations made by witnesses Farmer, but for which no documents or other information has been shared (i.e., I have never seen any allegations by witnesses Farmer). Because there is no RFP to which I believe that term relates, and it is the name of a museum, I object to running that search term.
 - c. Gerbil – You have withdrawn.
7. Additionally:
 - a. I advised you that I was not able to search for # [REDACTED] because those letters are the first part of my client's longstanding email address, and search for that term will yield literally every single email she has sent or received. I believe you have withdrawn that requested search term.
 - b. I advised you that I was not able to search for initials at #16-21 and 75-77. To the extent those initials represent people from whom you have requested all communications (and which the Court has limited to 1999-2002 and post-2002 as they relate to sex trafficking), for example, Jeffrey Epstein, Prince Andrew, I am searching for and producing responsive documents, so there is no need to search for the

initials. With regards to [REDACTED], you told me that is "[REDACTED]" and there is no standalone request for communications with her.

-Laura



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From: Laura Menninger
Sent: Monday, July 18, 2016 2:27 PM
To: 'Meredith Schultz'
Cc: Jeff Pagliuca; 'Sigrid S. McCawley - Boies, Schiller & Flexner LLP (smccawley@bsflp.com)'; 'brad@pathtojustice.com' (brad@pathtojustice.com)
Subject: RE: Giuffre - Conferral regarding search terms

Dear Meredith,

I am in receipt of your opposition to the Letter Motion to Strike your Motion for an Adverse Inference. The representations in the Response are perplexing, particularly in light of the below email communication in which I specifically 1) informed you of the search terms that we would run derived from your list, and 2) specifically requested a telephone conference on the issue of search terms pursuant to the Court's Order and prior to any such search.

Your representation to the Court that we are running "secret search terms unilaterally chosen by Defendant" is simply inaccurate. As clearly set forth in the below email communication, in order to move production forward, we invited discussion regarding our plan to run a subset of the search terms that *you* selected. The items excluded from the search were those terms you proposed that were unattached to any discovery request, or would result in the selection irrelevant documents due to the commonality of the term or their irrelevance to this case, such as TerraMar. The terms run are not "secret" and not selected by the defense – they are "the remainder of the terms" not specifically discussed in the below email. For avoidance of doubt, it is your proposed list, *excluding* items 49, 50, 51, 64, 66-72, 93-94, 113, 114-116, 119-120, 121-122, 124-341, 355, 358, 360, 361, and 365, 366-368.

Second, and again contrary to the representation in your Response, I specifically requested a time for a telephone conferral to discuss the search terms. Specifically, I stated "***I am available by telephone today and tomorrow to discuss the issues raised herein.***" Despite this clear request for a call if there were issues you wished to discuss, or if you had specific RFP's to which the excluded terms related, I heard nothing from you on Thursday afternoon or Friday to set a

time to discuss the terms or the issues raised regarding overbreadth. As such, we proceeded processing your list with the exceptions set forth.

I will reiterate my offer to set a call to discuss the excluded terms to determine if there are agreeable additions. In light of the deposition scheduled for Friday and the time it takes to run searches, any call would need to be set prior to noon MT tomorrow. Please advise, one way or the other, if you are satisfied with the list or if you would like to set a call.

-Laura



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From: Laura Menninger
Sent: Thursday, July 14, 2016 2:35 PM
To: Meredith Schultz
Cc: Jeff Pagliuca; Sigrid S. McCawley - Boies, Schiller & Flexner LLP (smccawley@bsflp.com); 'brad@pathtojustice.com' (brad@pathtojustice.com)
Subject: Giuffre - Conferral regarding search terms

Meredith –

I am writing to you, in compliance with the Court's Order, to negotiate the search terms for the search of our client's electronic devices. While Jeff raised many of these issues orally with Brad last week, I am including them in written form so that there can be no dispute about our position.

I do object to the vast number of your 368 search terms. Most are not tied to any Request for Production served on Ms. Maxwell, nor the Court's Orders limiting those requests.

Terramar –

Search term 49 is "Terramar." While we are searching our client's terramar email address for otherwise responsive documents, this search term would pull up thousands of documents related to her work for that organization which are (a) non-responsive and (b) irrelevant to this action. We will not agree to this standalone search term.

Witness Names

With regard to the search terms numbered 124-341, insofar as I can tell, you have simply broken apart the first and last names of every witness included within your Rule 26 disclosures. However, you never submitted a RFP seeking all communications between our client and your witnesses. There are some RFPs which identify individual witnesses whose communications with our client you sought (e.g., 1 – Epstein, 2, -Plaintiff, 3-Prince Andrew [REDACTED] Kellen, Dubins, Brunel and Marcincova, 17-Gow, 37-Clintons) and I will include those names within our searches.

As to other names included on the list, many are incredibly common names (e.g., Bill, Mark, Phil, Pete, Bob, Mike, Todd) which you are asking to search as standalone terms, i.e., divorced from the accompanying surnames or first names. You have included the name “max*” well aware that our client’s surname, and that of all of her paternal family members, will begin with those three letters together. Your search terms thus are likely to yield every single email sent or received by our client, or her family members, or any other document in her possession with her own name on the document or in the metadata, in other words hundreds of thousands of non-responsive documents. Your search terms include “bill” and thus are likely to include every bill that our client has received or sent or discussed. Your search terms include Philip Barden who the court has already ruled maintains an attorney-client relationship with our client (and to the extent others are copied on his emails, those would be captured by searches for the other people’s names). You included my client’s boyfriend of many years, though he is not on any witness list or in any RFP.

In sum, I will not agree to the search terms regarding witness names numbered 124-341 unless you (a) provide me with an actual RFP to which they each relate, and (b) make some effort to match them to actual people who have some relationship to this case (like first name /3 last name or some parts thereof).

Lawyer Names

What is your basis for search terms numbered 366-368: McCawley, Schultz and Boies? Likewise to the extent Mr. Edwards and Cassell are also included in the witness list, what is your basis for searching for documents referencing them? These search terms seemed designed to pull privileged attorney-client communications and do not correspond to any RFP. We will not agree to these terms.

Common Words

You have included a number of words that relate to common items and place names. Please explain which RFP allows for a search of the following terms:

50 – Southern District (which will pull up every attorney-client communication that refers to our case and includes any pleading)
51 – Palm Beach (a place our client lived for many years)
64 – New Mexico
66-72 – USVI by various names
113 – hospital
114 – 116 – hotel, suite, villa (every single travel record related to our client’s travel which the Court has not ordered)
119 – 120 – Paris, France
121 – 122 – Zoro, Ranch
360 – Bed
361 – Bath
365 - Lingerie

Other Words

Many other words have no relationship to this case. Please advise me as to (a) which RFP they correspond to and (b) your good faith basis for seeking these search terms in relation to any such RFP:

93 – Abernathy
94 – Brillo
355 – Guggenheim
358 - Gerbil

Conferral

Although many of your other search terms are a tremendous stretch, I can agree to them in the interest of getting the search done on a timely basis. According to our forensic expert, running a search on Ms. Maxwell's devices of all 368 terms will take more than a week. I am available by telephone today and tomorrow to discuss the issues raised herein. If I do not hear from you, I will presume that you are in agreement to the remainder of the terms being run on the devices. That should allow a production of documents in time for Ms. Maxwell's continued deposition next week.

I am intentionally not taking a position regarding the other demands you provided in your letter of June 30 at pages 1-2. The searches will be conducted in accordance with standard practices in the industry and the Court ordered us to negotiate search terms only.

-Laura



Laura A. Menninger
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EXHIBIT E

From: Meredith Schultz <mschultz@BSFLLP.com>
Sent: Wednesday, July 20, 2016 11:24 AM
To: Laura Menninger
Cc: Sigrid McCawley; Jeff Pagliuca; Brad Edwards; Paul Cassell (cassellp@law.utah.edu)
Subject: RE: Conferral regarding forensic search

Follow Up Flag: Follow Up
Flag Status: Flagged

Laura,

Please see my additions in-line, **in black**, below to your email sent yesterday. My in-line communication should also be responsive to the email that you just sent. If I have left anything out, please let me know.

Thanks,

Meredith

Meredith L. Schultz
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Blvd., Suite 1200
Fort Lauderdale, FL 33301
Phone: 954-356-0011 ext. 4204
Fax: 954-356-0022
<http://www.bsflp.com>

From: Laura Menninger [<mailto:lmenninger@hmflaw.com>]
Sent: Tuesday, July 19, 2016 1:33 PM
To: Meredith Schultz
Subject: RE: Giuffre - Conferral regarding search terms

Meredith:

I write to confirm our oral conferral. Please let me know if you disagree with the following or if there is some other agreement you think we reached:

1. I will endeavor to have my client gain access to an earthlink account that you believe is hers. Your basis for that belief is a disk you produced last week, obtained pursuant to a FOIA request, that contained at Page 2035 an address book from approximately 2005 which has that earthlink account name next to Ms. Maxwell's name. Please advise of the processes you are undertaking to access the account, and the process you undertook to ascertain that the mindspring account no longer exists.
2. Terramar – You have withdrawn that as a standalone search term. I have represented to you that we have searched all Terramar emails for otherwise responsive documents as well as [REDACTED].
3. Witness names – You believe that search terms 124-341, which are witness names broken up into first and last names from your Rule 26 list, relate to your RFP number 5 (“All documents relating to massages...”). I represented to you that I have searched for the terms “massage,” “masseur,” “therapy” etc. as you requested,

but you would still like me to search a subset of 124-341 surnames names for all communications with certain witnesses that you believe relate to “messages.” I said I would look at your list, when you send it, and evaluate whether we still object to running those more limited names to see if there are any communications that “relate to messages.” I still object that the search terms involving names is too broad and burdensome for me to have to review all communications with those individuals to try to discern what you believe may or may not relate to a “message.”

I disagree with your objection that reviewing (and producing relevant) documents containing these discrete surnames is too broad a request or overly burdensome, particularly, as you have not presented any numbers of documents associated with those names, since you have not yet run the terms. Should one of the names somehow yield thousands of documents, please let me know, and I’m certain we can come to an agreement to adjust the term so as to not yield an unmanageable result. As it is, I would expect these discrete surnames to yield a reasonable number of “hits,” as most are not common words (more on that below).

Per our conversation, there are a number of individuals who we have reason to believe were either:

- (1) victims of the “messages;”
- (2) witnesses the “messages” (including people who have knowledge of the “messages”); or
- (3) perpetrators of the “messages,” either by having a “message” themselves, arranging for another to have a “message,” or by arranging for a girl to give a “message” (either directly or through another girl).

The following are surnames of the aforementioned individuals, all of which are taken from the parties’ Rule 26 disclosures. Individuals who possess the same last name will be represented once by the common name. Names enumerated in Plaintiff’s individual requests are absent from this list pursuant to your representation that those names have been run. The vast majority of the surnames are fairly uncommon (e.g., [REDACTED]), therefore, I assume from the outset that any “hits” they yield will relate to the individual, and be limited in number. For those surnames are more common, or have other meanings (e.g., [REDACTED]), I have noted the full name for ease of reference. For those names, please use a reasonable, good-faith syntax to capture communications with those individuals -- [REDACTED] Sometimes that takes some trial-and-error – I’m happy to be of any assistance with regard to that process. Please let me know what your syntax you ended up using for those terms.

- Alessi
- Biddle
- [REDACTED]
- Brunel
- [REDACTED]
- Casey (this is a sur-name to Caroly Casey)
- Chambers
- Cordero
- Cotrin
- Cousteau
- Davies
- DeGeorgieou
- Dionne
- Dubin
- [REDACTED]
- Espinoza
- Farmer
- Ward
- Fekkai

- Figueroa
- Fontanilla
- Friedman
- Gibson-Butte
- Gramza
- Gany
- Grant
- Groff
- [REDACTED]
- Hazel (surname of Claire Hazel)
- Harrison (surname of Shelley Harrison)
- Ignatieva
- [REDACTED]
- Kovylin
- [REDACTED]
- Liffman
- Lopez (surname of Cindy Lopez)
- Lutz
- Lynch (surname of Cheri Lynch)
- Meister
- Mellawa
- Minsky
- Mitrovich
- [REDACTED]
- Mullen
- Pagano
- Paluga
- Peadon
- Pritzker
- Preece
- Rabuyo
- Rizzo
- Robson
- Ross (surname of Adriana)
- Mucinska (former surname of Adriana)
- Sjoberg
- Spamm
- Stein (surname of Cecilia)
- [REDACTED]
- Valdes (surname of Cresenda)
- Vazquez
- Valenzuela
- Visosky
- Wexner
- Wild (surname of Courtney)
- Zinoview

4. Lawyer names – You have withdrawn.

5. Common words – You have withdrawn with the exception of “lingerie,” which I will run to see if it relates in some way to RFP 5 (“massages”).
6. Other words –
 - a. You have withdrawn #93 Abernathy and #94 Brillo.
 - b. I maintain my objection to Guggenheim, the name of a museum which you represented to me pertains in some way to allegations made by witnesses Farmer, but for which no documents or other information has been shared (i.e., I have never seen any allegations by witnesses Farmer). Because there is no RFP to which I believe that term relates, and it is the name of a museum, I object to running that search term.
 - c. Gerbil – You have withdrawn.
7. Additionally:
 - a. I advised you that I was not able to search for [REDACTED] because those letters are the first part of my client’s longstanding email address, and search for that term will yield literally every single email she has sent or received. I believe you have withdrawn that requested search term.
 - b. I advised you that I was not able to search for initials at #16-21 and 75-77. To the extent those initials represent people from whom you have requested all communications (and which the Court has limited to 1999-2002 and post-2002 as they relate to sex trafficking), for example, Jeffrey Epstein, Prince Andrew, I am searching for and producing responsive documents, so there is no need to search for the initials. With regards to [REDACTED], you told me that is “[REDACTED]” and there is no standalone request for communications with her.

-Laura

Additionally, please inform me what steps you have taken to ascertain that the [REDACTED] is no longer in existence. Similarly, please keep me informed of your steps to access the [REDACTED]. Please pursue all available avenues to access those accounts, as Ms. Giuffre did with regard to her email accounts.

Finally, Ms. Maxwell’s produced documents that indicate that she has an iPad, etc. Please confirm that you have imaged her iPad as well as her phone in order to obtain the data from both (text messages, etc.).

One last thing - it occurred to me that in our discussion of terms that were run/not run and to be run/and not to be run, I don’t believe we discussed the terms containing individuals’ email account addresses, specifically Mr. Epstein and Mr. Dershowitz. (If we did discuss that, apologies for my lack of memory). Please confirm that you have run the terms associated with their email addresses. Specifically, these were the terms:

- 1)jeevacation*
- 2)j* w/2 *jep*
- 3)j* w/2 *jeep*
- 4)dersh*
- 5)law.harvard.edu*
- 6)[alandersh](#)*

Please let me know if you have any questions. Please treat this email as confidential under the Protective Order as it contains the names of underage victims of sexual abuse.

Thank you,

Meredith

Meredith L. Schultz
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Blvd., Suite 1200
Fort Lauderdale, FL 33301
Phone: 954-356-0011 ext. 4204
Fax: 954-356-0022
<http://www.bsflp.com>

From: Laura Menninger [mailto:lmessenger@hmflaw.com]
Sent: Wednesday, July 20, 2016 1:01 PM
To: Meredith Schultz
Cc: Sigrid McCawley; Jeff Pagliuca; Brad Edwards; Paul Cassell (cassellp@law.utah.edu)
Subject: Conferral regarding forensic search

Meredith –

Apart from (i) the list of witness names you believe might be associated with the term “massage” (“massage” and related terms that you requested have been searched), (ii) the word “lingerie”, and (iii) [REDACTED] we have completed the forensic copy, search, retrieval and review of all hits on our client’s devices and email accounts as directed by the Court based on agreed to search terms, including those agreed to in our conferral yesterday.

After review of more than 9,000 documents and files containing your search terms, the only documents located not previously produced are 6 *privileged* documents which we will add to our log. We also located a number of privileged communications between our client and myself following the onset of litigation in this case which will not be logged consistent with both parties' agreed to practice. As predicted, no responsive non-privileged documents resulted from the exercise.

I will keep you apprised of the results of the “lingerie” and status of ability to access the [REDACTED] account. If you want me to consider running additional witness names because you believe those people may relate to RFP 5 regarding “massages”, please forward those names to me and your basis.

-Laura

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EXHIBIT F

Search Terms Defendant Has Already Searched

From Plaintiff's June 30th proposed list:

(note: Plaintiff's numbers have been used)

- 1) jef*
- 2) geof*
- 3) epst! !n*
- 4) jeevacation*
- 5) j* w/2 *jep*
- 6) j* w/2 *jeep*
- 7) roberts*
- 8) g!!ff!!*
- 9) virginia*
- 10) jenna*
- 11) jena*
- 12) genna*
- 13) andrew*
- 14) prince*
- 15) royal*
- 22) massage*
- 23) masseur*
- 24) therapist*
- 26) mindspring*
- 28) emmy*
- 29) taylor*
- 30) sara*
- 31) kellen*
- 32) kensington *
- 33) vikers*
- 34) dubin*
- 35) eva*
- 36) glen*
- 37) brunel*
- 38) jean*
- 39) luc*
- 40) nadia*
- 41) marcinko*
- 42) *copter*
- 43) chopper*
- 44) pilot*
- 45) manifest*
- 46) log*
- 47) flight*
- 48) passport*
- 52) state* /3 attorney*
- 53) ross*
- 54) gow*
- 55) acuity*
- 56) victoria* w/3 secret*

57) al!n*
58) all!n*
59) dersh*
60) law.harvard.edu *
61) alandersh*
[REDACTED]
[REDACTED]
73) lagoon*
74) clinton*
75) BC
76) HC
77) HRC
78) police*
79) cop*
80) fbi*
81) federal* w/3 bur*
82) bur* w/8 inves! *
83) sex*
84) abuse*
85) toy*
86) dildo*
87) strap* w/3 on*
88) vibr*
89) sm* w/3 101 *
90) slave*
91) erotic*
92) servitude*
95) high* w/3 school*
96) secondary* w/3 school*
97) campus*
98) duke*
99) york*
100) licen!e*
101) assault*
102) juvenile*
103) seal*
104) joint* w/3 defen*
105) jda
106) roadhouse*
107) grill*
108) illegal*
109) immune*
110) prosecut*
111) law* w/3 enforc*
112) jane* w/3 *doe*
117) model*
118) actress*
123) vanity* w/ 3 fair*
342) underage*

343) under!age*
344) minor*
345) daily* w/10 mail*
346) daily* w/10 news*
347) lie*
348) obvious* w/10 lie*
349) sex w/3 toy*
350) nipple*
351) schoolgirl
352) school w/3 girl
353) us w/3 att*
354) United w/3 states w/3 att*
356) Pedophil*
357) Paedophil*
359) Traffic*
362) Masturbate*
363) Ejaculate*
364) Masseur*

From Plaintiff's July 20 proposed list

- Alessi
- Biddle
- [REDACTED]
- Brunel
- [REDACTED]
- Casey (this is a sur-name to Caroly Casey)
- Chambers
- Cordero
- Cotrin
- Cousteau
- Davies
- DeGeorgieou
- Dionne
- Dubin
- [REDACTED]
- Espinoza
- Farmer
- Ward
- Fekkai
- Figueroa
- Fontanilla
- Friedman
- Gibson-Butte
- Gramza
- Gany
- Grant
- Groff

- [REDACTED]
- Hazel (surname of Claire Hazel)
- Harrison (surname of Shelley Harrison)
- Ignatieva
- [REDACTED]
- Kovylin
- [REDACTED]
- [REDACTED]
- Liffman
- Lopez (surname of Cindy Lopez)
- Lutz
- Lynch (surname of Cheri Lynch)
- Meister
- Mellawa
- Minsky
- Mitrovich
- [REDACTED]
- Mullen
- Pagano
- Paluga
- Peadon
- Pritzker
- Preece
- Rabuyo
- Rizzo
- Robson
- Ross (surname of Adriana)
- Mucinska (former surname of Adriana)
- Sjoberg
- Spamm
- Stein (surname of Cecilia)
- Taylor
- Valdes (surname of Cresenda)
- Vazquez
- Valenzuela
- Visosky
- Wexner
- Wild (surname of Courtney)
- Zinoviev

**United States District Court
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

**PLAINTIFF'S SUPPLEMENT TO MOTION FOR ADVERSE INFERENCE
INSTRUCTION BASED ON NEW INFORMATION**

Plaintiff Virginia Giuffre, by and through her undersigned counsel, hereby files this Supplement to her Motion for Adverse Inference Instruction Based on New Information. Eleven months into this case, and after the close of fact discovery, Defendant continues to refuse to abide by her most basic and fundamental discovery obligations. A summary of this ongoing and willful non-compliance, as well as a supplement to her motion for an adverse inference instruction based on new information, follows. Most notably, Defendant claims to have run search terms and reviewed over 10,000 documents, but, remarkably, claims that not a single document - **not one** - is relevant to this litigation, and therefore produced nothing with respect to the search.

I. FACTUAL BACKGROUND

On October 27, 2015, Ms. Giuffre submitted her first set of Requests for Production. Defendant failed to make a reasonable search or production of her documents, and Ms. Giuffre sought relief from the Court numerous times:

- Plaintiff's Response in Opposition to Defendant's Motion to Stay Discovery (DE 20) - Defendant's Motion to Stay - Denied (DE 28).
- Plaintiff's February 26, 2016 Letter Motion to Compel Defendant to Sit for Her Deposition (DE 63) - Granted (DE 106).
- Plaintiff's Motion to Compel Documents Subject to Improper Claim of Privilege (DE 33) - Granted in Part (DE 73).
- Plaintiff's Motion to Compel Documents Subject to Improper Objections (DE 35) - Granted in part (106).
- Plaintiff's Response in Opposition to Defendant's Motion for a Protective Order Regarding Defendant's Deposition (DE 70) - Defendant's Motion Denied (DE 106).
- Plaintiff's Motion for Forensic Examination (DE 96) - Granted in part (June 20, 2016 Sealed Order).
- Plaintiff's Motion to Compel Defendant to Answer Deposition Questions (DE 143) – Granted (June 20, 2016 Sealed Order).
- Plaintiff's Motion for Adverse Inference Instruction (DE 279) - Pending.
- Plaintiff's Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions (DE 315) - Pending.

On June 20, 2016, this Court Granted in Part Ms. Giuffre's Motion for Forensic Exam, and directed Defendant to capture her data and run mutually agreed-upon search terms. The Court also ordered Defendant to produce documents to Ms. Giuffre by July 11, 2016. (This part of the Court's Order is not under seal and can be found at DE 264-1). On June 30, 2016, and on July 8, 2016, counsel for Ms. Giuffre sent letters to Defendant following up on this Order and proposing search terms (attached as exhibits to DE 279). Defendant did not respond. The July 11, 2016, deadline passed without any production from Defendant.

On July 13, 2016, Ms. Giuffre moved for an adverse inference instruction (DE 279). Thereafter, the Court denied Defendant's motion to strike Ms. Giuffre's motion for an adverse inference instruction, directing the parties to submit search terms to the Court on August 1, 2016, advising that "[a] briefing schedule and the submission date will be set after search terms are determined." (DE 301).

Pursuant to this Court's July 22, 2016, on Monday, August 1, 2016, Ms. Giuffre filed the list of search terms that Ms. Giuffre believes should be run over Defendant's data. (DE 323).

II. DISCUSSION

At a minimum, the Court should direct Defendant to run the search terms in the list originally submitted by Ms. Giuffre. More broadly, the Court should grant Ms. Giuffre's request for an adverse inference based on the incurable prejudice she has suffered as a result of Defendant's failure to comply with her discovery obligations and this Court's June 20, 2016, Order.

A. Defendant's Refusal to Even Run Ms. Giuffre's Name as a Search Term.

Defendant has been recalcitrant in running even the most basic searches of electronic data. For example, in a letter sent on June 8, 2016, and in a meet and confer call on July 26, 2016, counsel for Ms. Giuffre asked Defendant to run Ms. Giuffre's name as a search term to find documents responsive to (for example) Ms. Giuffre's Request No. 12, which sought Defendant's documents relating to Ms. Giuffre. That request was refused in writing on Friday, July 29, 2016, at 7:02 p.m. (EST). *See* McCawley Decl. at Exhibit 1, July 29, 2016, 7:02 p.m., Letter from Ty Gee to Ms. Schultz (refusing to run Ms. Giuffre's name as a search term as part of effort to identify responsive documents). Specifically, Mr. Gee's letter said that such a search term was inappropriate because it was "guaranteed" to generate "thousands of hits":

In your June 8 letter, apparently acknowledging the overbreadth of the RFP, you suggest the defendant could respond by conducting an electronic search for plaintiff's various names—searching all documents in defendant's possession. Setting aside that this is not what the RFP asked for, that too would entail an extraordinary and unreasonable amount of time and money, since plaintiff's various names are guaranteed to have thousands of hits, and someone would have to review every hit to determine, e.g., whether the document previously was provided to you, whether the document is not subject to production because of privilege, or whether it was a false hit. What would be the purpose of such an enormous expenditure of time and money? You have not said, but it appears fairly obvious that this is fishing with a drift net. We decline your request to engage in this exercise.

Having represented that running Ms. Giuffre's that name was an "extraordinary and unreasonable" task "guaranteed to have thousands of hits, and someone would have to review every hit ..." (McCawley Decl. at Exhibit 1 at pg. 2 (emphasis added)), *a mere three days later*, on Monday, August 1, 2016, Defendant seemingly reversed her position, and represented to the Court that she had, in fact, run Ms. Giuffre's names as search terms. (DE 321-6). But, contrary to the previous claim that it would be enormously burdensome to sort through these "hits," Defendant now claimed that she had not found any responsive documents.

It is possible that Defendant changed her mind over the weekend and reversed course. And, it is possible that Defendant did run those recently-contested terms over the weekend. And, it is possible that Defendant, over the weekend, gathered a team of lawyers to review the "thousands of hits" yielded by those terms. And, it is possible that not a single one of Defendant's thousands of documents bearing Ms. Giuffre's name was relevant to this action. All these things are possible, but none is likely.

Either way, Defendant's refusal to even include Ms. Giuffre's name as a search term (either in reality or in the position she took on Friday) is evidence of Defendant's continued bad faith and complete avoidance of her discovery obligations. The case centers on Defendant's

defamatory statements made *about Ms. Giuffre*. Obviously, Ms. Giuffre has a compelling need to obtain Defendant's documents about her, and she has accordingly requested Defendant's communications concerning her. Defendant's documents concerning Ms. Giuffre are directly relevant to this action, particularly because Defendant has created multiple drafts of statements to the press defaming Ms. Giuffre.

Throughout the months of motion practice concerning these issues, and throughout all of the meet and confers, Defendant's counsel has *never* presented a case supporting the far-fetched position that documents in the possession of the Defendant, and containing explicit references to Ms. Giuffre, are irrelevant and not subject to discovery. Defendant's refusal to use Ms. Giuffre's name as a search term, in light of Ms. Giuffre's requests for production, and in light of the defamation claim in this case, is so unfounded and obstructionist that it constitutes a violation of this Court's Order, *whether or not* Defendant actually engaged in the "extraordinary and unreasonable" task of running the term over the weekend.

The refusal to run this term is particularly inappropriate in light of this Court's order directing the Defendant to run "mutually agreed" upon search terms. It is impossible for Ms. Giuffre's counsel to begin working with opposing counsel to craft appropriate search terms when they refuse to extend minimal cooperation - first by completely ignoring Ms. Giuffre's multiple attempts to negotiate terms, then by ignoring the deadline to produce documents, and then by refusal to run the most basic search term. The first term that should be run in this defamation action - the most fundamental term - is Ms. Giuffre's name. Defendant's refusal to run that term is palpably unreasonable.

Defendant's refusal to cooperate is even more egregious given Ms. Giuffre's extensive efforts to provide discovery to Defendant. Ms. Giuffre has complied with Defendant's overly-

broad discovery requests that sought documents concerning dozens of individuals, including Ms. Giuffre's close family members. To comply with these extraordinarily broad requests, Ms. Giuffre ran search terms constituting the names of all these individuals. For example, Ms. Giuffre has run the following names as search terms, including Defendant's name, over her data:

- Ghislaine (the defendant)
- Maxwell (the defendant)
- Jeffrey (Jeffrey Epstein)
- Epstein (Jeffrey Epstein)
- Sky Roberts (the name Ms. Giuffre's father and brother)
- Lynn, Roberts (the name of Ms. Giuffre's mother)

Indeed, to date Ms. Giuffre has produced 8,321 pages of documents in her possession.

Fact discovery has now closed. Ms. Giuffre has requested that Defendant negotiate search terms with her as far back as March 10, 2016. This Court ordered Defendant to run mutually agreed upon search terms and produce relevant documents. Yet Defendant has yet to make any document production pursuant to this Court's June 20, 2016, Order.

B. Defendant's Other Failures to Produce Documents

Defendant's ignoring the July 11, 2016, court-ordered deadline to produce documents pursuant to mutually agreed upon terms, and Defendant's recalcitrance in searching for documents related to Ms. Giuffre are not the only examples of Defendant's failure to make appropriate discovery. Defendant claims to have run a number of Ms. Giuffre's search terms, yet claims that such a search yielded no responsive documents, save the few added to Defendant's privilege log. Defendant did not provide any "hit" information to show which terms yielded results, or how many results they yielded. Defendant claims to have reviewed over 10,000

documents containing the search terms and remarkably states that none – not a single one of the documents are responsive or relevant to the issues in this matter. Defendant's representation is simply implausible, as a review of Defendant's interactions with several of the important players in this case makes clear.

i. Ross Gow

The Court will recall that Ross Gow is Defendant's London-based press agent, who shares Defendant's attorney, Philip Barden, and who was connected with Defendant's statements about Ms. Giuffre in both 2011 and 2015. Defendant admitted that she used Mr. Gow in 2011 in relation to Ms. Giuffre's claims:

Q. And then below there is an email from Philip Barden to you and cc'ing Ross Gow on January 11, 2015. Do you see that?

A. Uh-huh.

Q. It says, Dear Ghislaine, as you know I have been working behind the scenes and this article comes from that. It helps but doesn't answer the VR claims. I will get the criminal allegations out. This shows the MOS will print truth, not just a VR voice piece. We can only make the truth by making a statement. What did he mean when he said, I will get the criminal allegations out, what was he referring to?

A. I have no idea.

Maxwell Dep. Tr. at 405:13-406:7 (April 22, 2016) (McCawley Decl. at Exhibit 2).

Defendant has admitted that she again used Mr. Gow in 2015 to issue a statement relating to Ms. Giuffre:

Q. This is an email from you on January 10, 2015 to Philip Barden and Ross Gow. The statement you had before you earlier, that, if you can pull that in front of you, the one page press release that you gave. You might know from memory. Was the press release that you issued with the statement about Virginia issued in or around January 2, 2015?

A. As best as I can recollect.

Maxwell Dep. Tr. at 361:4-13 (April 22, 2016) (McCawley Decl. at Exhibit 2).

Indeed, Defendant retained counsel to further assist Mr. Gow:

Q. Did you authorize Ross Gow to issue that statement on your behalf in January of 2015?

A. I already testified that that was done by my lawyers.

Maxwell Dep. Tr. at 273:6-10 (April 22, 2016) (McCawley Decl. at Exhibit 2).

In both years, 2011 and 2015, Defendant communicated with her counsel, communicated with her public relations agent, and caused a statement regarding Ms. Giuffre to be released publically, whereupon it was disseminated abroad. Yet, Defendant claims that she has no communications related to Ms. Giuffre beyond the handful of communications this Court ordered her to produce after the Court's *in camera* review. (DE 73).

ii. Eva Dubin

Defendant also appears to be claiming that she had not had even a single communications with Eva Dubin, Defendant's long-time friend whose husband was implicated in sexual abuse by Ms. Giuffre's deposition testimony. Defendant admitted that she is friends with Eva Dubin and admitted to visiting her home from time to time.

Q. Is Eva Dubin one of your friends?

A. Yes.

Maxwell Dep. Tr. at 57:22-23 (April 22, 2016) (McCawley Decl. at Exhibit 2).

Q. You remember from time to time being at the Dubin residence, correct?

A. I do.

Maxwell Dep. Tr. at 163:6-8 (July 22, 2016) (McCawley Decl. at Exhibit 3).

The Dubins are closely connected to this case. Indeed, Rinaldo Rizzo, the Dubins' butler, was in tears as he recounted Defendant bringing a fifteen-year-old girl to Eva Dubin's home. The girl, in utmost distress, told Mr. Rizzo that Defendant had stolen her passport and tried to make her have sex with Epstein on his private island, and then threatened her. Rizzo Dep. Tr. at

52:8-57:23 (June 10, 2016) (McCawley Decl. at Exhibit 4). Ms. Giuffre has also implicated Eva Dubin's husband, Glen Dubin, as someone who was involved in Defendant and Epstein's sex trafficking ring. And yet, Defendant would have the Court believe that Defendant and her friend never communicated about Ms. Giuffre's testimony. There are no emails; no text messages produced.

iii. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]:

Q. Do you remember speaking with a female by the name of [REDACTED]?

A. Yes.

Q. And is that -- did you learn from [REDACTED] about [REDACTED]?

THE WITNESS: That's correct.

Q. And what did you understand [REDACTED] interaction with Jeffrey Epstein to be?

THE WITNESS: [REDACTED] was allegedly dating Jeffrey Epstein at the time. And [REDACTED]s and [REDACTED] were roommates. During that time, [REDACTED] had met with [REDACTED] and went shopping with her at the Palm Beach Mall, where they purchased items from Victoria's Secrets. After spending the day together, they went over to the Palm Beach house, where Epstein requested to see what was purchased. She was a little reluctant initially, but because of the fact that it was his money that purchased the items, she showed the outfit that she had purchased at Victoria's Secrets. He had asked her to try it on, at which time she did. She went back to the house at another time, where she was going to meet with [REDACTED] and Epstein. They went for a bike ride, but [REDACTED] had a

massage, which Epstein walked in on while she was getting a massage. He asked her to turn over, expose her breasts to him. I think he performed a chiropractic move on her. And she was completely uncomfortable with the whole situation.

Recarey Dep. Tr. at 106:2-107:20 (June 21, 2016) (McCawley Decl. at Exhibit 5).

Indeed, one of the witnesses who gave testimony in this case, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Even Defendant has admitted [REDACTED] involvement with her and Epstein:

Q. Does [REDACTED] know Jeffrey Epstein?

A. Can you ask again, please?

Q. Does [REDACTED] know Jeffrey Epstein?

A. What do you mean by know?

Q. Has she met her him before?

A. I can't recollect a time when [REDACTED] -- I've seen [REDACTED] with Jeffrey but --

Q. You are not sure --

A. I know they know either other. I can't testify to a meeting between them.

Maxwell Dep. Tr. at 270:18-271:8 (April 22, 2016) (McCawley Decl. at Exhibit 2).

Q. Why do you think that [REDACTED] might know Jeffrey?

A. Because you know, I know Jeffrey.

Maxwell Dep. Tr. at 271:18-22 (April 22, 2016) (McCawley Decl. at Exhibit 2).

Yet, Maxwell now wants this court to believe that she has no responsive communications with [REDACTED] relevant to this case.

C. Defendant's Failures to Search All Email Accounts

Perhaps part of the reason that Defendant has failed to produce responsive document is that still refusing to collect data from all of her email accounts. In particular, Defendant has not collected data from her [REDACTED] account nor produced relevant documents from her [REDACTED] account. Both email accounts are listed as part of Defendant's contact information gathered by the police from Epstein's home, and turned over to the Palm Beach County State Attorney as part of the investigation and prosecution of Epstein:

Ms. Ghislaine Maxwell

Email [REDACTED]

See (DE 280-2), Palm Beach County State Attorney's Office, Public Records Request No.: 16-268, Disc 7 at p. 2305 (GIUFFRE007843).

i. The mindspring.com Account

As evidenced from the police collection above, [REDACTED], was an email address Defendant used while she was with Epstein. *Id.* In her filing with this Court, Defendant represented that this was merely a "spam" account "to use when registering for retail sales notifications and the like," and that it contains no relevant documents. Br. at pg. 8. Of course, if she wasn't using the [REDACTED] or the [REDACTED], what email address *was* Defendant using while she was with Epstein, and why hasn't that account been disclosed and searched? This Court should order Defendant to disclose all email accounts she has used from 1999 to the present.

At any rate, both recent testimony in this case, and older testimony in a related case, completely belies Defendant's claim that her [REDACTED] account was merely for "spam." Jeffrey Epstein's house manager, Juan Alessi testified that [REDACTED] was in daily use by the Epstein household to send and receive messages, a household to which Defendant belonged:

Q. So when there would be a message from one of them while they were out of town, they would call you, call you on the telephone?

A. I haven't spoken to Ghislaine in 12 years.

Q. Sorry. I'm talking about when you worked there and you would receive a message that they were coming into town, would that be by way of telephone?

A. Telephone, and also, there was a system at the house, that it was MindSpring, MindSpring I think it's called, that it was like a message system that would come from the office.

Q. What is MindSpring?

A. It was a server. I think it was -- the office would have, like, a message system between him, the houses, the employees, his friends. They would write a message on the computer. There was no email at that time.

Q. Okay. So what computer would you use?

A. My computer in my office.

Q. And so was part of your daily routine to go to your computer and check to see if you had MindSpring messages?

A. No. That was at the end of my stay. That was the very end of my stay. I didn't get involved with that too much. But it was a message system that Jeffrey received every two, three hours, with all the messages that would have to go to the office in New York, and they will print it and send it faxed to the house, and I would hand it to him.

Q. Did it look like the message pads that we've been looking at?

A. No, no, nothing like that.

Q. Was it typed-out messages?

A. Yes, typed-out messages.

Q. Just explain one example of how it would work. Let's say that Ghislaine wanted to send him a message on MindSpring. How would that work?

A. An example?

Q. Sure.

A. It got so ridiculous at the end of my stay, okay? That Mr. Epstein, instead of talking to me that he wants a cup of coffee, he will call the office; the office would type it; they would send it to me, Jeffrey wants a cup of coffee, or Jeffrey wants an orange juice out by the pool.

Q. He would call the office in New York. They would then type it in MindSpring?

A. Send it to me.

Q. How would you know to check for it? How would you know to look for this MindSpring?

A. Because I was in the office. I was there. I was there. And we have a signal when it come on and says, Hey, you've got mail.

Q. Okay.

A. Every day. Every day it was new things put in. That's why I left, too.

Q. Do you know who set up the mind spring system?

A. It was a computer guy. It was a computer guy who worked only for Jeffrey. Mark. Mark Lumber.

Q. Was he local to Palm Beach?

A. No. He was in New York. Everything was set up from New York. And Mark Lumber, I remember he came to Palm Beach to set up the system at the house.

Alessi Dep. Tr. at 223:5-225:17. (June 1, 2016) (McCawley Decl. at Exhibit 7). Accordingly, mindspring was a server set up for Jeffrey Epstein and his household to use to communicate to one another, and was, in fact, used in this manner.

The sworn testimony of Janusz Banasiak, another of Epstein's house managers, from the case *L.M. v. Jeffery Epstein and Sarah Kellen*,¹ gives a fuller representation of how Defendant, and others in Epstein's sex-trafficking ring, used their accounts on Epstein's mindspring server:

Q. Okay. Were you aware that Mr. Epstein used a Citrix program to link various computers? Did you know that?

A. Yeah. I use Citrix too in my computer for exchanging e-mails and get through Internet.

Q. That's not something that you were, you were privy to? You weren't, you weren't in the loop of the sharing of information in the house in terms of the computers being connected through any server?

A. I don't really know what, how, how to answer your question because Citrix is for the whole organization to exchange e-mail between employees.

Q. All right. You used the term?

A. So, even my computer is connected to Citrix. I can receive mail and I can e-mail information to employee within organization. But I don't know if you can see to each computer what is going on on another computer.

Q. You have used the term organization, you can share within the organization. What do you -- just so I can understand what you're calling the organization, what do you mean by that word?

A. People employed by Jeffrey Epstein. There are a few groups of people, his office in New York and I guess --

Q. Okay. The other people mentioned as co-conspirators are Sarah Kellen, Adriana Ross, and Nadia Marcinkova. So we'll get to them in a minute but first just so we stay on the track of who was in the organization, is Sarah Kellen, Adriana Ross and Nadia Marcinkova all people that you would also consider within the organization?

A. Yes.

Q. Okay. So, we just added three more names to it. **Who else would you consider, Ghislaine Maxwell?**

¹ Case No.: 502008CA28051XXXXMB AB, In the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

A. Yes.

56:13-17; 5:2-14; 58:1-7; 60:21-61:7 (February 16, 2010) (Emphasis added) (McCawley Decl. at Exhibit 8).

Defendant's [REDACTED] email account was part of Epstein's [REDACTED] account through which he communicated with his employees and other members of his household, including his co-conspirators Sarah Kellen, Nadia Marcinkova, and the Defendant. This email account likely has (or had) myriad of communications between and among Defendant and Jeffrey Epstein, Defendant and Sarah Kellen, Defendant and Nadia Marcinkova, and others. This email account is the one *most likely* to have the most relevant documents in this case, as it was used by Jeffrey Epstein and his sex trafficking organization. The fact that this account - an account created for the sole purpose of enabling Defendant and others to communicate with Jeffrey Epstein - has no communications with Epstein or the other co-conspirators, is extremely strong indicia that someone destroyed those email communications. Their destruction warrants an adverse inference instruction. And, at the very least, the Court should direct Defendant to retrieve her data from the Citrix server or any other applicable server upon which the mindspring.com account was hosted.

ii. The [REDACTED] Account

The [REDACTED] account bears Defendant's initials, and, again, listed as part of her contact information gathered by the police from Epstein's home, and turned over to the Palm Beach County State Attorney as part of the investigation and prosecution of Epstein:

Ms. Ghislaine Maxwell

Email [REDACTED]

See (DE 280-2), Palm Beach County State Attorney's Office, Public Records Request No.: 16-268, Disc 7 at p. 2305 (GIUFFRE007843)

Because of Defendant's refusal to search this important email account, any production yielded from any search terms will necessarily be incomplete. Indeed, this failure is particularly prejudicial, as this account appears to be the one she used while she was with Epstein, and therefore, the one she used during the time period Defendant was abusing Ms. Giuffre.

Defendant does not appear to have pursued access to this account very far. This inaction lies in stark contrast to Ms. Giuffre's efforts to recover data. Ms. Giuffre has sent executed releases to Microsoft for her inaccessible account, and even issued a Rule 45 Subpoena to Microsoft for the production of her account data. *See* McCawley Decl. at Exhibit 9, Microsoft Subpoena. At a minimum, the Court should direct the Defendant to take these steps to access the earthlink.net email account.

D. An Adverse Inference Instruction is Appropriate.

In light of this clear and persistent pattern of recalcitrance, the Court should instruct the jury that it can draw an adverse inference that the Defendant has concealed relevant evidence. Defendant has yet to provide responsive information. And even if Defendant were, at this late date, to run Ms. Giuffre's proposed search terms over her data (which has not yet been collected), such a production would be both untimely and prejudicial. Fact discovery has closed. Numerous depositions have already been taken by Ms. Giuffre without the benefit of these documents. The window for authenticating the documents through depositions has shut. Expert reports are due at the end of the month, and Ms. Giuffre's experts do not have the benefit of reviewing these documents. Late production of information robs Ms. Giuffre of any practical ability to use the discovery.

The Second Circuit has stated, “[w]here documents, witnesses, or information of any kind relevant issues in litigation is or was within the exclusive or primary control of a party and is not provided, an adverse inference can be drawn against the withholding party. Such adverse inferences are appropriate as a consequence for failure to make discovery.” *Bouzo v. Citibank, N.A.*, 1993 WL 525114, at *1 (S.D.N.Y. 1993) (internal citations omitted). The Defendant’s continued systemic foot-dragging and obstructionism – even following the Court’s June 20 order – makes an adverse inference instruction with regard to Defendant’s documents appropriate. An adverse inference instruction is appropriate when a party refuses to turn over documents in defiance of a Court Order. *See Lyondell-Citgo Refining, LP v. Petroleos de Venezuela, S.A.*, 2005 WL 1026461, at *1 (S.D.N.Y. May 2, 2005) (denying application to set aside Magistrate Judge Peck’s order entering an adverse inference instruction against defendant for failure to produce documents that the Judge Peck had ordered Defendant to produce). Accordingly, because a “party’s failure to produce evidence within its control creates a presumption that evidence would be unfavorable to that party” an adverse inference should be applied with respect to Defendant’s failure to produce “in order to ensure fair hearing for [the] other party seeking evidence.” *Doe v. U.S. Civil Service Commission*, 483 F. Supp. 539, 580 (S.D. N.Y., 1980) (citing *International Union v. NLRB*, 148 U.S. App. D.C. 305, 312-317, 459 F.2d 1329, 1336-41 (D.C.Cir.1972)).

“An adverse inference serves the remedial purpose of restoring the prejudiced party to the same position he would have been in absent the wrongful destruction of [or willful refusal to produce] evidence by the opposing party.” *Chevron Corp. v. Donziger*, 296 F.R.D. 168, 222 (S.D.N.Y. 2013) (granting an adverse inference when defendants refused to produce documents pursuant to the District Court’s order). Where “an adverse inference ... is sought on the basis that the evidence was not produced in time for use at trial, the party seeking the instruction must

show (1) that the party having control over the evidence had an obligation to timely produce it; (2) that the party that failed to timely produce the evidence had ‘a culpable state of mind’; and (3) that the missing evidence is ‘relevant’ to the party's claim or defense such that a reasonable trier of fact could find that it would support that claim or defense.” *Id.* (citing *Residential Funding Corp. v. DeGeorge Financial Corp.*, 306 F.3d 99, 108 (2d Cir. 2002)).

Furthermore, as discussed in detail in Ms. Giuffre’s Motion for an Adverse Inference Instruction (DE 315), an adverse inference is appropriate regarding the documents that Defendant is withholding under the Second Circuit’s test set forth in *Residential Funding*. Defendant has admitted to deleting emails as this Court noted in its Order. Defendant has not collected what data remains from at least half of her email accounts. An adverse inference is equally appropriate if the non-compliance was due to Defendant’s destruction of evidence. *See Brown v. Coleman*, 2009 WL 2877602, at *2 (S.D.N.Y. Sept. 8, 2009) (“Where a party violates a court order—either by destroying evidence when directed to preserve it or by failing to produce information because relevant data has been destroyed—Rule 37(b) of the Federal Rules of Civil Procedure provides that the court may impose a range of sanctions, including dismissal or judgment by default, preclusion of evidence, imposition of an adverse inference, or assessment of attorneys' fees and costs. Fed. R. Civ. P. 37(b); *see Residential Funding Corp. v. DeGeorge Financial Corp.*, 306 F.3d 99, 106–07 (2d Cir.2002)”). *See also Essenter v. Cumberland Farms, Inc.*, 2011 WL 124505, at *7 (N.D.N.Y. Jan. 14, 2011); and Rule 37(e), Fed. R. Civ. P. (“If electronically stored information that should have been preserved in the anticipation or conduct of litigation is lost because a party failed to take reasonable steps to preserve it . . . the court: (2) only upon finding that the party acted with the intent to deprive another party of the information’s use in the litigation may: (A) presume that the lost information was unfavorable to

the party; (b) instruct the jury that it may or must presume the information was unfavorable to the party; or (C) dismiss the action or enter a default judgment.”).

The Court may also wish to consider the possibility of a having a neutral, third-party expert review Defendant’s production. In her filing with the Court on Monday, August 1, 2016, Defendant represented that she ran hundreds of search terms - including the names of people involved in the sex trafficking ring with whom she still associates in the present - and got zero “hits” for any of them. That is strong indicia that Defendant intentionally deleted documents. This strongly suggests that relevant documents either lie in the two email accounts that were not searched or Defendant has deleted these communications. Defendant does not state that the individual who examined Defendant’s devices attempted to recover Defendant’s deleted email and other documents, or attempted to identify if and when a hard drive was wiped.

In these circumstances, the Court should allow an independent forensic expert review the computer and all her email accounts to determine whether responsive materials exists and have either not been produced or have been deleted. The Court could then use that information in determining whether an adverse inference is appropriate.

III. CONCLUSION

For the reasons set forth above, Ms. Giuffre respectfully request that this Court grant her motion for an adverse inference jury instruction pursuant to Rule 27(b), (e), and (f), with respect to the electronic documents and electronic communications that this Court Ordered her to produce, allow a forensic review of her computer to evaluate whether material was intentionally deleted; and direct Defendant to recover any remaining mindspring.com data from the applicable server.

Dated: August 8, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on the individuals identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

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/s/ Sigrid S. McCawley
Sigrid S. McCawley

EXHIBIT 9

(File Under Seal)

1 START TIME: 8:57 a.m.

2 THE COURT REPORTER: Do you declare under
3 penalty of perjury to tell the truth, the whole
4 truth, and nothing but the truth?

5 THE WITNESS:

6 THE VIDEOGRAPHER: In the mart /O*F
7 Virginia L Jeffrey verses Ghislaine Maxwell.
8 Today's date June 24, 2016, and time is
9 8:59 a.m. this is videotaped deposition of Tony
10 Figueroa. Counsel please truce /THEFL after
11 which the court reporter will swear in the
12 witness.

13 MR. EDWARDS: Brad adards I represent
14 Virginia Giuffre. And Virginia Giuffre is here
15 with me as well.

16 MS. MENNINGER: Laura manager on behalf of
17 gelen Maxwell, the Defendant. She is not here.
18 (Off the record at 9:01 a.m.).

19 A Yes.

20 MS. MENNINGER:

21 Q Good morning?

22 A Good morning.

23 Q Can you state your full name and spell
24 your last name for the record?

25 A My name is Anthony Lewis Zach Figueroa

1 /EUF PB 2001?

2 MS. MENNINGER: /TPOPBLGZ form /TPOUPBLZ.

3 A No.

4 Q How do you know that?

5 A Because she did not have a job anywhere
6 else.

7 Q How frequently during that period of time
8 would she be going over to Jeffrey epistipes house?

9 MS. MENNINGER: Object to the form
10 foundation.

11 A When I was with her she would go over
12 there two weeks out of every month.

13 Q And how often what is the frequency you
14 would be the person take her to his house?

15 MS. MENNINGER: /TPOPBLGZ form /TPOUFRPZ.

16 A Pretty much whenever she was leaving to go
17 on a trip I would drive her there.

18 BY MR. EDWARDS:

19 Q Times when she went therein during the day
20 and came back that night?

21 A Yes.

22 Q And would you be the person that drove her
23 on those occations too?

24 A No.

25 Q She would drive herself on those

1 occasions?

2 A Yeah.

3 Q Were there times when you drove her to the
4 airport, the private airport?

5 A The private airport I picked her up from.
6 I never drove her there.

7 Q Did you see epi/SPA0EPB airplane at the
8 airport?

9 A Yes.

10 Q What did it look like?

11 A Object form.

12 A A big black leer jet I guess it was. I
13 don't know. It was a pretty nice black jet.

14 Q Did you observe Virginia entering or
15 exiting that airplane?

16 A Yes.

17 Q And other than Virginia what other people
18 did you observe entering or exiting that airplane?

19 A I'm pretty sure Jeffrey and Ms. Maxwell
20 were both there.

21 Q Can you tell me the first time that you
22 met Ms. Maxwell. Describe that occasion?

23 A Like I said we were just pretty much I was
24 in the house hang out and she was in the kitchen she
25 was there one of the times I guess. And pretty much

1 Q How many times did you go to Jeffrey
2 epi/STAOEPBZ pool area?

3 A Like three times.

4 Q And on the three occasions that you went
5 to Jeffrey epi/STAOEPBZ pool area who else was by
6 had pool parea?

7 A I understand nobody like I was liltry just
8 sitting out there by myself waiting for her to get
9 done talking with him. But pretty much everytime I
10 was at that house there was just random girls the
11 chef and Ms. Maxwell.

12 Q At this time in 2000 one your how old are
13 you. What is your date of birth?

14 A March 4th 1982. I'm 34.

15 Q Okay. So in 2001 you about 19?

16 A Yeah.

17 Q When you were at Jeffrey epi/STAOEPBZ
18 house and by the pool?

19 A Uh-huh.

20 Q I your describing other girls that were in
21 had house did youknow these other hours?

22 A No they were like fraught different
23 countries.

24 Q Hoe did you know they waere from different
25 contries?

1 A Because whenever they would talk or I
2 would hear them say blah blah or she would tell me
3 this girl was this place and that girl was thaw that
4 place.

5 Q Would could tell from the accent?

6 A Yeah.

7 Q Would you ever talk to these girls?

8 A Not really. I mean sometimes I would.
9 But not like a conversation about asking what they
10 were doing ear.

11 Q At this time 19 years old. Can you tell
12 me what the age range of these girls you describing
13 that are foreign girls at Jeffries house?

14 MS. MENNINGER: Objection form
15 /TPAUFRPBGZ.

16 A They looked about Virginia's age. They
17 all looked about that about 17, 18. But I don't
18 know. I did not ask hem how old they were so I
19 don't know the exact number.

20 BY MR. EDWARDS:

21 Q Okay. And when you were in the house by
22 the pool by yourself you said Virginia was just I
23 guess describing one occasion Virginia was just talk
24 to them?

25 A Jeffrey I don't know about what.

1 Q Was Ms. Maxwell the?

2 A I'm not sure I know she was only there 5
3 or six times out of the whole time I was with her
4 that I met her.

5 Q All right. And each of the five or six
6 times that you met Ms. Maxwell do I understand it
7 correctly that it was inside Jeff sephouse?

8 A Yes.

9 Q Each of the 5 or six times that you met
10 Ms. Maxwell inside of Jeffrey's house was your
11 conversation with her always fairly similar stoowhat
12 you described?

13 A Yeah, it was never like I never talked to
14 her as I would like Jeffrey. Like she never set
15 down with me I had a conversation 0 high how you
16 doing blew blew ahow doing and that would be it.

17 Q Okay.

18 Q And when St. The first time you met
19 Jeffrey Epstein in relationship the the first time
20 you met Ms. Maxwell. Meaning did you meet him
21 first. Second?

22 A I met Jeffrey first.

23 Q How did how were you introduced to Jeffrey
24 Epstein?

25 A Just high this is Jeffrey this is Tony,

1 you know, just casually.

2 Q When is the first time that you were asked
3 by anyone to bring other girls Jeff /AEF
4 epi/STAOEPBZ house?

5 A Pretty much right after she left. When
6 she would go on trips. They would just ask me if I
7 would find like Jeffrey would say when you get back
8 find more girls to have here blue blue this and
9 that. And then after she went to thiland when he
10 was calling me searching for her he would throw that
11 in there randomly do you have any girls. And then
12 where is Virginia at. Like trying to seem like he
13 was trying to get more information about her than
14 anything after she left but make it seem like still
15 wanted me to be around kind of.

16 Q Okay.

17 A But I don't know exactly.

18 Q Okay. So in the beginning?

19 A Uh-huh.

20 Q Of your going over to Jeffrey Epstein
21 house primary it was just you and Virginia?

22 A Yeah, .

23 Q At someintp point in time Virginia starts
24 recruiting other girls to go to the house; is that
25 right?

1 Q Describe for us what these girls looked
2 like that were being brought to the house?

3 MS. MENNINGER: Object to the form found
4 vague time to place.

5 BY MR. EDWARDS:

6 Q Sorry let me prephrase the question during
7 this 2001 period if you were driving Virginia and
8 another girl to the house, what type of girls would
9 you be driving?

10 MS. MENNINGER: Form form foundation.

11 A Pretty much like young looking teenager
12 girls 16, 17, really pretty.

13 Q How did you know that's what was being
14 requested that that age range and that look and?

15 A I just assumed that that's what most guys
16 are into.

17 Q Girls that looked like Virginia?

18 A Yeah.

19 Q When you would bring girls over to the
20 house were you looking for some sort of professional
21 mussuese or massge experience?

22 A Just get friends that I knew from school.

23 Q And that's what Jeffrey wanted?

24 A Yeah.

25 MS. MENNINGER: Object form founds.

1 BY MR. EDWARDS:

2 Q How did you know what Jeffrey wanted?

3 A That's what he asked me.

4 Q What would he ask you?

5 A Ask me to try to find girls a resem
6 believed like somewhat that type.

7 Q And when you would bring these girls that
8 resem believed Virginia or some type would Jeffrey
9 Epstein pay you?

10 A Yes cension form /STKPWHROUPBGZ.

11 Q Would Jeffrey pay you every time?

12 A Ojbection form foundation.

13 A Yes.

14 Q And how much would he pay you foreach girl
15 that you brought to him?

16 A Object form founds.

17 A Two hundred dollars apiece.

18 Q Where would this transaction tace place?

19 A Object to the form.

20 MS. MENNINGER: Object to the form
21 /TPOUFRPBLZ the living room.

22 BY MR. EDWARDS:

23 Q And how much money do you think overall
24 Jeffy epistein paid you for bringing girls to him?

25 A Me personal or us together.

1 Q Sure. How how often did Jeffy Epstein ask
2 you to bring girls to the house?

3 A Pretty much as much as possible like he
4 would tell us as men girls we could bring the
5 better, so...

6 Q When you say us who are the us?

7 A Me I Virginia.

8 Q So walking me through an example of that
9 you would go thohouse with Virginia and describe
10 what would happen that ultimately let to this
11 conversation that you just describe would Jeff /AEF
12 Epstein?

13 A Well because /THRAOEU explain that.

14 Q Sure you I Virginia my initial question
15 was I think you initial answer was is as often
16 Jeffrey bring girls to him as muffin as possible as
17 many osto us. Us being you I Virginia. So walk ame
18 through an example go thohouse and then where do you
19 have this discussion where did you have this
20 discussion what words did he use what did he tell
21 you specifically?

22 A Specifically he just said see if you can
23 find firls. It was in the living room. There's a
24 little desk that is where I normally talk to him. He
25 would sit behind the so you have any nor girls you

1 want to beak in a cupp for nis weekend and like I
2 said pretty much every time I went there if I knew
3 /KPWEBLS I could bring to him I started bring ilto I
4 guessee liked then they would start doing stuff
5 without me so then slowy just fading out, you know.

6 Q Squat this point Jeffrey Epstein in the
7 living room and Virginia to bring other girls?

8 A Uh-huh.

9 Q Was he using the world massage anymore?

10 A No,ee did not say anything like that just
11 is saying to bring them.

12 Q At that stage where this conversation a
13 happening dud you already settle conversation and
14 Virginia you knew what was actually at the house as
15 apoid I'ma masagge therapist?

16 A I'm not positive but I don't doubt it.

17 Q Once you were hin house with Virginia and
18 you were having these conversation with Jeffy
19 Epstein was it obviously to you whata happening that
20 house?

21 A I mean it was obvious to me. Like I said
22 I never witnesses any of the stuff so...

23 Q Of course?

24 Q What would you tell the girls that you
25 would bring to Jeffrey's what the did you del the

1 Jeffries house to get them to the house.

2 A Well I told them that it was for a
3 massage. And I told them obviously that if people
4 when they get massaged I don't know going to expect
5 more from you or not. If he does tell him know it's
6 up to you if you want to go. And they would still
7 do it it.

8 Q How did you know to use the word massage
9 to get the girls to Jeffrey epi/STAOEPBZ house?

10 A I did not want to straight up be like why
11 don't you jerk this guy off for money so...

12 Q You thought that was a better way to get
13 them to the house?

14 A Yeah, sounded a little bit more
15 professional aguess not as bad.

16 Q Okay.

17 Q When you brought other girls to the house
18 aside from Virginia where was elenmax in the house?

19 A Object form /STKPWHROUPBZ brought other
20 girls to the house aside from Virginia was
21 Ms. Maxwell in the house?

22 A Yes.

23 Q Where was Ms. Maxwell in the house when
24 you brought other girls to the house aside from
25 Virginia?

1 A In the kitchen.

2 Q And on these occasions would you see
3 Ms. Maxwell in the kitchen?

4 A Yes.

5 Q On these occasion when you would bring
6 girls other the Virginia to the house and
7 Ms. Maxwell was in the kitsch would Ms. Maxwell see
8 the girl you brought to the house?

9 A Yes.

10 A Form foundation.

11 Q And when you would brink these girls other
12 than Virginia to Jeff /AEF epi/STAOEPBZ house I see
13 Ms. Maxwell in the kitchen were you with the girl
14 that you just brought?

15 A Yes.

16 MS. MENNINGER: /TPOPBL form foun.

17 BY MR. EDWARDS:

18 Q I during these occasion what conversation
19 if any did Ms. Maxwell have knyefe girls you
20 brought?

21 A Not much pretty mump like I said when I
22 take the girls all it would just a friendly
23 conversation with everybody and just high what's
24 your name asking about what they do and where they
25 are and stuff like that. It was never anything like

1 sexual talk or anything like that.

2 Q Okay. So just so have a good image of that
3 bring a girl authority when you brought a other than
4 verge into -- what door did you enter Jeffrey
5 Epstein's house?

6 A When you pull up to his house a walkway
7 where higarage is like off to the side that's the
8 bay I always go.

9 Q I know the sider door by the kitchen?

10 A Yeah.

11 Q So on one of occasions if you can think to
12 one of the occasion brought a girl into the kitchen
13 other than Virginia?

14 A Uh-huh.

15 Q And Ms. Maxwell an in the kitchen, did you
16 and this /OEURT girl that you were bringing over sit
17 there and together have this small stalk and
18 McMaxal?

19 A Yeah.

20 MS. MENNINGER: Fom form foundation.

21 A Yes.

22 Q And how long would you and one of these
23 other girls sit there and have this small talk with
24 Ms. Maxwell?

25 A No more than 10 or 15 minutes.

1 Q What were you waiting for?

2 A Pretty much her to take them up stairs
3 then I would leave. I would wait for them to be
4 like we're ready. And I would be all right. See you
5 later and I would leave.

6 Q You were waiting for who to take who up
7 stairs?

8 A I had seen Ms. Maxwell take a girl up
9 there well not up there visibly but I watched her
10 leave had room with one.

11 Q Up stairs?

12 A Well, I didn't see the stairs. Like in
13 the kitchen there's not like you have to go all
14 around and all that shit.

15 Q Let me just understand what you did see
16 then. So you brought a girl over. We're talking
17 about an instance where you brought another girl
18 over to the house?

19 A Yes.

20 Q And your in the kitchen with this other
21 girl and Ms. Maxwell?

22 A Yes.

23 Q And what did you actually see in terms of
24 of where did that girl and with whom?

25 A I just saw them leave the room.

1 Q Together?

2 A Together. And assumed that they were
3 heading up to massage room.

4 Q Because that was the purpose of bringing
5 her over?

6 MS. MENNINGER: Objection.

7 A Yeah.

8 MS. MENNINGER: Form founds.

9 BY MR. EDWARDS:

10 Q When during that circumstance?

11 Q So you understand the circumstance I'm
12 talking about you bring a girl into the kitchen and
13 Ms. Mackle is in the kitchen?

14 A Uh-huh.

15 Q And you see Ms. Maxwell and this girl
16 leave the kitchen?

17 A Yes.

18 Q When during that circumstances do you get
19 paid?

20 A I did paid before anything happens period.
21 I walk in the door talk to Jeffrey and then he hands
22 me my money walk back to kitchen say by and leave.
23 And then like I said at some point and seen her
24 before when I was leave walking the girl out the
25 living room out through the kitchen. So she could

1 have taken up stairs she could have not but I
2 definitely seen her walking.

3 Q On how many occasionings?

4 Q /KWROPBLT might I told me this but how
5 many occasion did you bring girls into the kitchen
6 and the three of you, you the girl you brought and I
7 /STKPWEULian Maxwell have conversation?

8 A Not many. I only met her maybe six times.

9 Q Each of the times you met gillian Maxwell
10 in Jeffrey epi/STAOEPBZ house did you have girls
11 that were being brought to Jeffrey?

12 A Everything time at the house it was either
13 with Virginia or some girl. I never went there by
14 myself.

15 Q He did not have a use for you?

16 A Yeah, he did not need me.

17 Q All right. That beginning of the
18 deposition I believe tell me if I got this wrong I
19 believe talk about it time Virginia just gone to
20 thiland talking to you in telephone?

21 A Uh-huh.

22 Q And you believe Jeff /AEF was supposed to
23 pay the phone bill; is that correct?

24 A Yeah.

25 Q Why did you believe Jeffrey Epstein was

1 lead to where is she, so...

2 Q How did Jeffrey Epstein have you telephone
3 number?

4 A I would imagine from Virginia.

5 Q Okay. What prior to her going did he call
6 you on the telephone?

7 A I mean sometimes he would have his
8 assistant call thee but he did call me sometimes.

9 Q Which assistant call you of jiffy
10 sep/STAOEFRPBZ I can't remember her name but his
11 main asigh?

12 Q Would sarah callin cal lyou?

13 A I believe that's her.

14 Q Gillian Maxwell call you?

15 A I think she might have once or twice.
16 I'm not positive but I'm pretty sureee did.

17 Q Would the calls that gill wherein Maxwell
18 made to you been during the time that you were
19 living with Virginia or after Virginia had left?

20 A It was while living together.

21 Q And what would be what did Virginia what
22 did gillian Maxwell say to you when she called you
23 while living?

24 A

25 MS. MENNINGER: Objection miscontact when

1 watt.

2 A And what say what did he say?

3 Q Yes.

4 A Just ask mead had anybody else lined up.

5 Q Anything else lined up for what?

6 A Objection form /TPOUFRPBLDZ.

7 A For Jeffrey.

8 Q Let me fix this. Gill when gillian
9 Maxwell would call you during the time that you were
10 living with Virginia she would ask you what
11 specifically?

12 MS. MENNINGER: Fom form foundation.

13 A Just if I had found any ear girls just to
14 bring the Jeffrey.

15 Q Okay.

16 A Pretty much everytime a conversation with
17 any of them it was either asking Virginia where she
18 was ask the asking her to get girls or asking me get
19 girls.

20 Q Let's go to that second categorizing you
21 just identified asking Virginia to get girls. How
22 many times were you in a room where specifically
23 gill max would ask Virginia to bring girls?

24 A Not that I can recall.

25 Q How many times when you say thigh asked

1 Q How often would Virginia according to
2 Virginia how much would Virginia and /PH*BGS maxal
3 go out look forg girls?

4 A I stopped asking after a while. I would
5 imagine every time but I don't recall.

6 A Every time when she was telling you or you
7 were asking that's what was happening.

8 A Yeah.

9 Q All right. And going back to when he
10 finally told you that having sex with these people?

11 A Uh-huh.

12 Q It was the people she told you that she
13 was having sex with Jeffp /STAOEPB Ms. Mackual
14 andthol other girls did you understand all the other
15 girls were?

16 A I just assumed justthol girls that heever
17 had at his house I never on a personal basis with
18 pretty much anyone except for the ones I went to
19 school with so...

20 Q And?

21 Q Of the girls brought to had us or that you
22 observed Virginia bring to the house how many of
23 them were professional masuesses?

24 A Zero.

25 Q What was the age range of the girls that

1 you start with you that you brought with Jeffy
2 Epstein. Object to the form foundation?

3 A Well had age-age brought for sure were
4 around my age. I met them through school people
5 where knew actually hung out with.

6 Q What were the age range of the girls your
7 observe thad Virginia brought to the house?

8 MS. MENNINGER: Object to the form
9 foundation.

10 A I like I said I never asked them how old
11 they all seemed like there were younger.

12 Q Are you bring you bring 253540 year olds
13 to the house?

14 A No.

15 Q So within a range?

16 A I'd say probably 16 to 19.

17 Q Okay.

18 MS. MENNINGER: /TPOPBLG /TPORP foundation
19 sore slipping it in afterwards but...

20 BY MR. EDWARDS:

21 Q Yousaid when you were at the house you saw
22 naked photos what is the naked photo?

23 A Pictures of people naked.

24 Q Photohad ezpeople that were faked?

25 A Yeah.

1 /STKRAUP /UPD some a/KAEUZsiobe the inside.

2 A Yes.

3 Q Hung out the by had pool?

4 A Yes.

5 Q On the /KWEUFPB?

6 A Yes? And in total of the times you went
7 if soohad house you saw Ms. Maxwellout gut tall ix.

8 A Five or six times.

9 Q Total?

10 A Tote.

11 Q Not fix?

12 A /PAOERLD all together.

13 Q /WROU brought?

14 A All together period.

15 Q I thought you said asking you questions
16 that Ms. Maxwell ever Jude bring girls?

17 A I don't remember saying had a.

18 Q Tell me when did Ms. Macual ask row to
19 bring a girl?

20 A Never /EUFRP person like liltally on it
21 phone once or twice.

22 Q Did Ms. Maxwell call you /TPR-BGSly?

23 A No.

24 Q How many times do you think Ms. Mackle?

25 A Ever just a few couple times onceoy twice.

1 Q /PHUPLG ort of /TAOEUFPL pretty much his
2 assistant?

3 Q How do you know /PH*GS Maxwell's voice?

4 A Sounds British.

5 Q So-so someone British acthe /SHAOEFRPBLG
6 told me who she was?

7 Q And what did see say wheni called you
8 asked you to bring gills?

9 A High a gillian Jeffy wandering had anybody
10 to could come /STKPWHROEFRB when did that happen.

11 A I'm not exactty shirr of time /TPRAEUFPL.

12 Q After the road house grillo /PW-F?

13 A Probably I would think before I'm pretty
14 sure pretty positive.

15 Q /TPWH-FR /HOED house grill wray?

16 A After started going back to work with
17 Jeffrey /STAUPLD talking to her went back to him I
18 never Todd to Ms. Mackual again after the had to
19 been before that.

20 Q When /TKPEUD you stop talking to?

21 A Just /TWAOE PBT there never like she was
22 anything more than a high how are you kind a thing
23 not like when I talked to Jeffy ask me about stuff
24 and hold an information with her just hay hours your
25 mom see yeah not anything detail.

1 A /HRO*EUTSeredered not like debate that.

2 Q So you waiver reading it if you like all
3 right. Thank you very much for you time?

4 (Off the record at 1:23 p.m.) order order.

5 MS. MENNINGER: Orderered.

6 BY MS. MENNINGER:

7 Q

8 MR. EDWARDS: Yeah I wand a copy.

9 Cology dense said. /EUFPLTS disc
10
11
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Exhibit 1

BOIES, SCHILLER & FLEXNER LLP

401 EAST LAS OLAS BOULEVARD • SUITE 1200 • FORT LAUDERDALE, FL 33301-2211 • PH. 954.356.0011 • FAX 954.356.0022

Meredith L. Schultz, Esq.
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June 30, 2016

VIA E-MAIL

Laura A. Menninger, Esq.
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Re: *Guiffre v. Maxwell*
Case No. 15-cv-07433-RWS

Dear Laura,

I write pursuant to this Court's June 20, 2016, Order regarding search and production from Defendant's electronic media. Accordingly, please use IMAP Capable software (or a functional equivalent) to capture all of the sent/received emails from Ms. Maxwell's various email accounts, including but not limited to the following: (1) GMax1@ellmax.com (and any other accounts at ellmax.com); (2) gmax1@mindspring.com (and any other accounts at mindspring.com); (3) any of Ms. Maxwell's email account associated with The Terramar Project (including any account ending in @theterramarproject.org); and (4) any other email accounts either used in the past, or currently in use.

Additionally, please use FileSeek software (or a functional equivalent) to retrieve any data, including electronic documents (such as Word documents; PDFs; Excel sheets; etc.), from Ms. Maxwell's devices, including personal computers, work computers, any tablets, and any phones. This includes any cloud storage accounts. Please confirm that you have imaged Ms. Maxwell's hard drives and other devices.

Once you have gathered that data onto a platform (such as Summation or its functional equivalent), please run the below search terms. Since the Court ordered us to negotiate the search terms, please let me know if you think additional terms would be appropriate or whether you object to any terms, and your basis thereof.

When applying the search terms, the search terms need to "hit" on documents even if the terms are embedded within other words. So, for example, the term "acuity" would yield a hit on the document, even if the word in the document is "acuityreputatoin." To return a hit on those

Laura A. Menninger, Esq.
June 30, 2016
Page 2 of 12

embedded terms, I request that you use “wildcards” to ensure that embedded terms are located. (Wildcard characters are used to expand word searches into pattern searches by “replacing” single or multiple characters.) Where there are a specific number of characters needed to be included, a single wildcard will achieve that purpose. For example, in some programs, ! is used for single character wildcards, and * is used for multiple character wildcards. For instance:

- (a) Single character wildcard example: a search for **L!n!** will return “long,” “link,” “lane,” “lone,” etc.
- (b) Multiple character wildcard example: a search for **chil*** will return “children,” “chill,” “chilling,” etc.
- (c) Mixed use of wildcards: a search for **L!n*** will return “lines,” “lining,” “linty,” etc.

Accordingly, the below search terms are submitted with wildcard characters to be applied in the manner of the examples above. Please apply them as such with whatever characters is required by the software/platform that you will be using.

Similarly, regarding how the terms are combined (**AND** or **OR**). **OR** should expand your results while **AND** will restrict result to only those which include all the terms.

Additionally, I want to clarify that I would like all of the metadata to be searched in addition to the text of the documents. For example, if the search term is “acuity,” “hits” should include all the document that include the word “acuity” in their text OR in their metadata (this includes words in items such as email subjects, filenames, as well as any documents which include that word somewhere within their text).

I also wanted to point out another special syntax with regard to proximity searching. This is a search that finds words within a specified distance from one another. On some software, this is represented as w/#, so a search for “**meet w/2 greet**” will return “meet and greet,” “greet and meet” and “meet and nicely greet.” Please apply accordingly.

Additionally, for searches for people’s initials in the search terms, please use “exact matches,” “stand alone,” or “literal” terms (see, e.g., PA, AD, JE, GM).

Finally, the search terms are **not** to be treated as case-sensitive, meaning that the terms should be searched according to their letters, regardless of whether they are represented in the list as containing upper case or lower case letters.


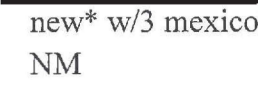
The following are the applicable search terms.

- 1) jef*
- 2) geof*

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- 3) epst!!n*
- 4) jeevacation*
- 5) j* w/2 *jep*
- 6) j* w/2 *jeep*
- 7) roberts*
- 8) g!!ff!!*
- 9) virginia*
- 10) jenna*
- 11) jena*
- 12) genna*
- 13) andrew*
- 14) prince*
- 15) royal*
- 16) PA
- 17) JE
- 18) GM
- 19) AD
- 20) [REDACTED]
- 21) GX
- 22) massage*
- 23) masseur*
- 24) therapist*
- 25) ellmax*
- 26) mindspring*
- 27) gmax*
- 28) emmy*
- 29) taylor*
- 30) sara*
- 31) kellen*
- 32) kensington*
- 33) vikers*
- 34) dubin*
- 35) eva*
- 36) glen*
- 37) brunel*
- 38) jean*
- 39) luc*
- 40) nadia*

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- 41) marcinko*
- 42) *copter*
- 43) chopper*
- 44) pilot*
- 45) manifest*
- 46) log*
- 47) flight*
- 48) passport*
- 49) terramar*
- 50) southern* w/3 district*
- 51) palm* w/3 beach*
- 52) state* /3 attorney*
- 53) ross*
- 54) gow*
- 55) acuity*
- 56) victoria* w/3 secret*
- 57) al!n*
- 58) all!n*
- 59) dersh*
- 60) law.harvard.edu*
- 61) alandersh*
- 62) 
- 63) 
- 64) new* w/3 mexico*
- 65) NM
- 66) virgin* w/3 island*
- 67) usvi*
- 68) little* w/3 st*
- 69) little* w/3 saint*
- 70) st* w/3 j*
- 71) saint* w/3 j*
- 72) lsj*
- 73) lago*
- 74) clinton*
- 75) BC
- 76) HC
- 77) HRC
- 78) police*

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- 79) cop*
- 80) fbi*
- 81) federal* w/3 bur*
- 82) bur* w/8 inves! *
- 83) sex*
- 84) abuse*
- 85) toy*
- 86) dildo*
- 87) strap* w/3 on*
- 88) vibr*
- 89) sm* w/3 101*
- 90) slave*
- 91) erotic*
- 92) servitude*
- 93) abernathy*
- 94) brillo*
- 95) high* w/3 school*
- 96) secondary* w/3 school*
- 97) campus*
- 98) duke*
- 99) york*
- 100) licen!e*
- 101) assault*
- 102) juvenile*
- 103) seal*
- 104) joint* w/3 defen*
- 105) jda
- 106) roadhouse*
- 107) grill*
- 108) illegal*
- 109) immune*
- 110) prosecut*
- 111) law* w/3 enforc*
- 112) jane* w/3 *doe*
- 113) hospital*
- 114) hotel*
- 115) suite*
- 116) villa*


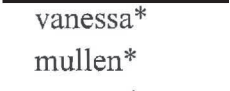
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- 117) model*
- 118) actress*
- 119) france*
- 120) paris*
- 121) zoro*
- 122) ranch*
- 123) vanity* w/ 3 fair*
- 124) alexander*
- 125) kathy*
- 126) miles*
- 127) james*
- 128) austrich*
- 129) phil*
- 130) barden*
- 131) [REDACTED]
- 132) fary*
- 133) boothe*
- 134) laura*
- 135) evelyn*
- 136) boulet*
- 137) boylan*
- 138) bec*
- 139) bunner*
- 140) casey*
- 141) carolyn*
- 142) carolin*
- 143) paul*
- 144) cassell*
- 145) sharon*
- 146) churcher*
- 147) cousteau*
- 148) alexandar*
- 149) devansan*
- 150) [REDACTED]
- 151) [REDACTED]
- 152) edwards*
- 153) amanda*
- 154) ellison*

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155) cimberly*
156) espinosa*
157) Tatiana*
158) farmer*
159) maria*
160) nn*
161) fekkai*
162) crystal*
163) figueroa*
164) anthony*
165) tony*
166) freeh*
167) louis*
168) dore*
169) gany*
170) garvin*
171) meg*
172) sheridan*
173) gibson*
174) but!e*
175) graff*
176) fred*
177) phil*
178) guderyon*
179) 
180) 
181) harrison*
182) shannon*
183) victoria*
184) hazel*
185) brittany*
186) henderson*
187) jaffe*
188) carol*
189) kess*
190) kutikoff*
191) pete*
192) listerman*

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193) lyons*
194) bob*
195) meister*
196) jamie*
197) melanson*
198) lyn! * w/100 miller*
199) marvin*
200) minsky*
201) 
202) 
203) vanessa*
204) mullen*
205) pagano*
206) mary*
207) paluga*
208) stan*
209) pottinger*
210) recarey*
211) reiter*
212) richards*
213) sky*
214) rothstein*
215) forest*
216) sawyer*
217) doug*
218) schoettle*
219) cecelia*
220) stein*
221) mark*
222) tafoya*
223) brent*
224) tindall*
225) kevin*
226) kim*
227) thompson*
228) tuttle*
229) vaghan*
230) cresenda*

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231) valdes*
232) valla*
233) martiza*
234) vazquez*
235) vick*
236) ard*
237) jarr!d*
238) weisfeld*
239) courtn!y* w/5 wild*
240) alessi*
241) rizzo*
242) rinaldo*
243) biddle*
244) sophie*
245) sofie*
246) degeo*
247) anouska*
[REDACTED]
249) fontanilla*
250) lynn*
251) jo* w/3 jo*
252) gramza*
253) grant*
254) waitt*
255) ted*
256) theod*
[REDACTED]
[REDACTED]
[REDACTED]
260) kovylna*
[REDACTED]
[REDACTED]
263) lang*
[REDACTED]
265) listerman*
266) lopez*
267) cindy*
268) lutz*

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269) mellawa*
270) brah*
271) jay*
272) [REDACTED]
273) [REDACTED]
274) mitrovich*
275) andrea*
276) peadon*
277) bill*
278) francis*
279) preece*
280) dara*
281) louella*
282) rabuyo*
283) robson*
284) haley*
285) adriana*
286) mucinska*
287) spamm*
288) visosky*
289) doug* OR dan* w/100 wilson*
290) igor*
291) zinoview*
292) allyson*
293) alyson*
294) alison*
295) allison*
296) chambers*
297) Gwendolyn*
298) beck*
299) Kelly*
300) Kelley*
301) Bovino*
302) ron*
303) burkle*
304) max*
305) cordero*
306) vald*

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307) cotrin*
308) chauntae*
309) dav*
310) teala*
311) ry!n*
312) dionne*
313) anders!n*
314) Rosalie*
315) fr!!dman*
316) tiffany*
317) Kathryn*
318) eric*
319) erik*
320) Lesl*
321) groff*
322) clair*
[REDACTED]
[REDACTED]
325) gina*
326) ignatieva*
327) bret*
328) adam*
329) perry*
330) liffman*
331) Michael*
332) mike*
333) cheri*
334) lynch*
335) todd*
336) [REDACTED]
337) [REDACTED]
338) Joanna*
339) sjoberg*
340) leslie*
341) wexner*
342) underage*
343) under!age*
344) minor*

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345) daily* w/10 mail*
346) daily* w/10 news*
347) lie*
348) obvious* w/10 lie*
349) sex w/3 toy*
350) nipple*
351) schoolgirl
352) school w/3 girl
353) us w/3 att*
354) United w/3 states w/3 att*
355) Guggenheim
356) Pedophil*
357) Paedophil*
358) Gerbil*
359) Traffic*
360) Bed*
361) Bath*
362) Masturbate*
363) Ejaculate*
364) Masseuse*
365) Lingerie
366) Boies*
367) Mccawley*
368) Schultz*

Sincerely,

A handwritten signature in blue ink, appearing to read "Meredith L. Schultz". The signature is fluid and cursive, with the first name "Meredith" and last name "Schultz" clearly distinguishable.

Meredith L. Schultz

MLS:dk

**United States District Court
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

**DECLARATION OF SIGRID S. MCCAWLEY IN SUPPORT OF PLAINTIFF'S
SUPPLEMENT TO MOTION FOR ADVERSE INFERENCE INSTRUCTION BASED
ON NEW INFORMATION**

I, Sigrid S. McCawley, declare that the below is true and correct to the best of my knowledge as follows:

1. I am a Partner with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's September 29, 2015 Order granting my Application to Appear Pro Hac Vice.

2. I respectfully submit this Declaration in Support of Plaintiff's Supplement to Motion for Adverse Inference Instruction Based on New Information.

3. Attached hereto as Exhibit 1 is a true and correct copy of July 29, 2016, Correspondence from Ty Gee.

4. Attached hereto as Sealed Exhibit 2 is a true and correct copy of Excerpt from April 22, 2016, Deposition of Ghislaine Maxwell.

5. Attached hereto as Sealed Exhibit 3 is a true and correct copy of Excerpt from July 22, 2016, Deposition of Ghislaine Maxwell.

6. Attached hereto as Sealed Exhibit 4 is a true and correct copy of Excerpts from June 10, 2016, Deposition of Rinaldo Rizzo.

7. Attached hereto as Sealed Exhibit 5 is a true and correct copy of Excerpts from June 21, 2016, Deposition of Detective Joseph Recarey.

8. Attached hereto as Sealed Exhibit 6 is a true and correct copy of Excerpts from May 18, 2016, Deposition of Johanna Sjoberg.

9. Attached hereto as Sealed Exhibit 7 is a true and correct copy of Excerpts from June 1, 2016, Deposition of Juan Alessi.

10. Attached hereto as Sealed Exhibit 8 is a true and correct copy of the sworn testimony of Janusz Banasiak.

11. Attached hereto as Exhibit 9 is a true and correct copy of Rule 45 Subpoena to Microsoft.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Sigrid S. McCawley
Sigrid S. McCawley, Esq.

Dated: August 8, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid S. McCawley
Sigrid S. McCawley (Pro Hac Vice)
Meredith Schultz (Pro Hac Vice)
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(954) 356-0011

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University of Utah
383 University St.
Salt Lake City, UT 84112
(801) 585-5202¹

¹ This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

Laura A. Menninger, Esq.
Jeffrey Pagliuca, Esq.
HADDON, MORGAN & FOREMAN, P.C.
150 East 10th Avenue
Denver, Colorado 80203
Tel: (303) 831-7364
Fax: (303) 832-2628
Email: lmenninger@hmflaw.com
jpagliuca@hmflaw.com

/s/ Sigrid S. McCawley
Sigrid S. McCawley

EXHIBIT 2

(Filed Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

VIRGINIA L. GIUFFRE,

Plaintiff,

Case No.:

-against-

15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendants.

- - - - - x

CONFIDENTIAL

Videotaped deposition of GHISLAINE
MAXWELL, taken pursuant to subpoena, was
held at the law offices of BOIES
SCHILLER & FLEXNER, 575 Lexington
Avenue, New York, New York, commencing
April 22, 2016, 9:04 a.m., on the above
date, before Leslie Fagin, a Court
Reporter and Notary Public in the State
of New York.

- - -

MAGNA LEGAL SERVICES
1200 Avenue of the Americas
New York, New York 10026

1 G Maxwell - Confidential

2 asked and answered already.

3 Q. You can answer the question.

4 A. I have no idea what Sarah Kellen
5 did.

6 Q. You never observed Sarah Kellen
7 with girls under the age of 18 at Jeffrey's
8 home?

9 MR. PAGLIUCA: Object to the form
10 and foundation.

11 A. The answer is no, I have no idea.

12 Q. Do you know Glenn Dubin?

13 A. I do.

14 Q. What is your relationship with
15 Glenn Dubin?

16 MR. PAGLIUCA: Object to the form.

17 A. What do you mean what is my
18 relationship.

19 Q. Are you friendly with him, how do
20 you know him?

21 A. He is the husband of Eva Dubin.

22 Q. Is Eva Dubin one of your friends?

23 A. Yes.

24 Q. Did you ever send Virginia to
25 Glenn's condo at the Breakers to give him a

1 G Maxwell - Confidential

2 A. She helps with my not-for-profit
3 ocean foundation and any other related
4 activities that I may have.

5 Q. Is she paid for by Jeffrey Epstein?

6 A. No.

7 Q. She is paid for by you?

8 A. Yes.

9 Q. When did you first meet [REDACTED]
10 [REDACTED]?

11 A. I don't recollect exactly, sometime
12 maybe 2002, 2003.

13 Q. How did you meet her?

14 A. I don't recollect exactly how we
15 met.

16 Q. Did Jeffrey introduce you to her?

17 A. I don't recollect how we met.

18 Q. Does she know Jeffrey Epstein?

19 MR. PAGLIUCA: Objection to the
20 form and foundation.

21 A. Can you ask again, please?

22 Q. Does [REDACTED] know Jeffrey
23 Epstein?

24 A. What do you mean by know?

25 Q. Has she met her him before?

1 G Maxwell - Confidential

2 MR. PAGLIUCA: Objection to the
3 form and foundation.

4 A. I can't recollect a time when
5 [REDACTED] -- I've seen [REDACTED] with Jeffrey but --

6 Q. You are not sure --

7 A. I know they know either other. I
8 can't testify to a meeting between them.

9 Q. Do you know where in New Jersey she
10 lives?

11 A. No

12 Q. You don't know a city?

13 A. No.

14 Q. How long has she worked for you?

15 A. Sometime 2002, 2003.

16 Q. To the present?

17 A. Yeah.

18 Q. Why do you think that [REDACTED]
19 might know Jeffrey?

20 MR. PAGLIUCA: Objection to the
21 form and foundation.

22 A. Because you know, I know Jeffrey.

23 Q. Have you seen them together?

24 A. I already testified I have not seen
25 them together, to my recollection.

1 G Maxwell - Confidential

2 Q. Is it your testimony that [REDACTED]
3 [REDACTED] knows Jeffrey Epstein through the work
4 that she does for you?

5 MR. PAGLIUCA: Objection to the
6 form and foundation.

7 A. I don't recollect, and I don't
8 recollect how I met [REDACTED] and I can't testify
9 to what [REDACTED] relationship is or is not with
10 Jeffrey.

11 Q. Have you ever talked to Jeffrey
12 about [REDACTED]?

13 A. I don't know what you mean.

14 Q. In any way, have you ever had a
15 conversation with Jeffrey about [REDACTED]?

16 A. In what context.

17 Q. In any context. Have you ever
18 talked to Jeffrey Epstein about [REDACTED]?

19 A. [REDACTED] works for me so it's entirely
20 possible that in the course of conversations
21 since 2002, 2003 that a conversation in which
22 [REDACTED] name would have come up is entirely
23 possible.

24 Q. I provided you with and I'm sorry,
25 I don't know all the numbers, but the

1 G Maxwell - Confidential

2 statement that was issued by Ross Gow that
3 should be a single page still in your stack
4 of exhibits there.

5 MR. PAGLIUCA: Exhibit 10.

6 Q. Did you authorize Ross Gow to issue
7 that statement on your behalf in January of
8 2015?

9 A. I already testified that that was
10 done by my lawyers.

11 Q. So did you authorize your lawyers
12 to issue a statement on your behalf through
13 Ross Gow in January of 2015?

14 A. It was determined that I had to
15 make a statement in the United Kingdom
16 because of the appalling lies and I just
17 thought of some new ones.

18 Virginia's statement that I
19 celebrated her 16 birthday with her. We can
20 all agree that that's entirely impossible. I
21 didn't meet her until she was 17 and other
22 lies she perpetrated that she had a diary and
23 we all know is a complete fake. That's not a
24 diary. It was just a book she was writing
25 that you helped sell to the press, as if it

1 G Maxwell - Confidential

2 (Maxwell Exhibit 17, email, marked
3 for identification.)

4 Q. This is an email from you on
5 January 10, 2015 to Philip Barden and Ross
6 Gow. The statement you had before you
7 earlier, that, if you can pull that in front
8 of you, the one page press release that you
9 gave. You might know from memory.

10 Was the press release that you
11 issued with the statement about Virginia
12 issued in or around January 2, 2015?

13 A. As best as I can recollect.

14 Q. I want to turn your attention to
15 the document I just handed you which is Bates
16 No. 001044, from you to Philip Barden and
17 Ross Gow. It says in the first sentence, I'm
18 out of my depth to understand defamation,
19 other legal hazards and I don't want to end
20 up in a lawsuit aimed at me from anyone, if I
21 can help it. Apparently, even saying
22 Virginia is a liar has hazards.

23 You knew at the time you called
24 Virginia a liar in early January of 2015 that
25 that was something that would result in a

1 G Maxwell - Confidential

2 with Virginia Roberts.

3 Q. I'm marking this as Maxwell 25.

4 (Maxwell Exhibit 25, email, marked
5 for identification.)

6 Q. I'm showing you what has been
7 marked as Maxwell 25.

8 This is an email dated January 11,
9 2015 at the top?

10 Do you see that that from Jeffrey
11 to you?

12 A. Uh-huh.

13 Q. And then below there is an email
14 from Philip Barden to you and cc'ing Ross Gow
15 on January 11, 2015.

16 Do you see that?

17 A. Uh-huh.

18 Q. It says, Dear Ghislaine, as you
19 know I have been working behind the scenes
20 and this article comes from that. It helps
21 but doesn't answer the VR claims. I will get
22 the criminal allegations out. This shows the
23 MOS will print truth, not just a VR voice
24 piece. We can only make the truth by making
25 a statement.

1 G Maxwell - Confidential

2 What did he mean when he said, I
3 will get the criminal allegations out, what
4 was he referring to?

5 MR. PAGLIUCA: Objection to the
6 form and foundation.

7 A. I have no idea.

8 Q. Were there criminal allegations
9 about Virginia that either your lawyer or
10 press agent were leaking to the press?

11 MR. PAGLIUCA: Objection to form
12 and foundation.

13 A. I have no idea.

14 Q. Did you ask him what he meant when
15 he said, I will get the criminal allegations
16 out?

17 A. I don't recollect the conversation.

18 Q. Did you direct him to leak to the
19 press criminal allegations about Virginia
20 Roberts?

21 A. I already testified that I have no
22 knowledge of what you are asking me.

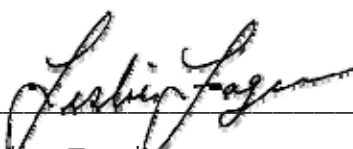
23 Q. Were you copied on this email,
24 correct?

25 A. I was.

CERTIFICATE

I HEREBY CERTIFY that the witness,
GHISLAINE MAXWELL, was duly sworn by me and
that the deposition is a true record of the
testimony given by the witness.





Leslie Fagin,

Registered Professional Reporter

Dated: April 22, 2016

(The foregoing certification of
this transcript does not apply to any
reproduction of the same by any means, unless
under the direct control and/or supervision
of the certifying reporter.)

EXHIBIT 5

(Filed Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 21, 2016

9:17 a.m.

C O N F I D E N T I A L

Deposition of JOSEPH RECAREY, pursuant
to notice, taken by Plaintiff, at the
offices of Boies Schiller & Flexner, 401
Las Olas Boulevard, Fort Lauderdale, Florida,
before Kelli Ann Willis, a Registered
Professional Reporter, Certified Realtime
Reporter and Notary Public within and
for the State of Florida.

1 JOSEPH RECAREY - CONFIDENTIAL

2 Q. Do you remember speaking with a female by
3 the name of [REDACTED]?

4 A. Yes.

5 Q. And is that -- did you learn from [REDACTED]
6 [REDACTED] about [REDACTED]?

7 MR. PAGLIUCA: Object to form and
8 foundation.

9 THE WITNESS: That's correct.

10 BY MR. EDWARDS:

11 Q. And what did you understand [REDACTED]
12 [REDACTED] interaction with Jeffrey Epstein to be?

13 MR. PAGLIUCA: Object to form and
14 foundation.

15 THE WITNESS: [REDACTED] was allegedly
16 dating Jeffrey Epstein at the time. And [REDACTED]
17 and [REDACTED] were roommates.

18 During that time, [REDACTED] had met with [REDACTED]
19 and went shopping with her at the Palm Beach
20 Mall, where they purchased items from
21 Victoria's Secrets.

22 After spending the day together, they went
23 over to the Palm Beach house, where Epstein
24 requested to see what was purchased. She was a
25 little reluctant initially, but because of the

1 JOSEPH RECAREY - CONFIDENTIAL

2 fact that it was his money that purchased the
3 items, she showed the outfit that she had
4 purchased at Victoria's Secrets. He had asked
5 her to try it on, at which time she did.

6 She went back to the house at another
7 time, where she was going to meet with [REDACTED]
8 and Epstein. They went for a bike ride, but
9 [REDACTED] had a massage, which Epstein walked in on
10 while she was getting a massage.

11 He asked her to turn over, expose her
12 breasts to him. I think he performed a
13 chiropractic move on her. And she was
14 completely uncomfortable with the whole
15 situation.

16 BY MR. EDWARDS:

17 Q. Did you ever attempt to interview [REDACTED]
18 [REDACTED]?

19 A. I'm trying to recall. I believe I may
20 have. I just -- off the top of my head, I can't
21 remember whether I did or didn't.

22 Q. Okay. At some point in time did you
23 encounter Alan Dershowitz?

24 MR. PAGLIUCA: Object to form and
25 foundation.

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CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, the undersigned authority, certify
that JOSEPH RE CAREY personally appeared before me
and was duly sworn.

WITNESS my hand and official seal this
24th day of June, 2016.

KELLI ANN WILLIS, RPR, CRR
Notary Public, State of Florida
My Commission No. EE911443
Expires: 2/16/16

+ + + + +

EXHIBIT 6

(Filed Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

May 18, 2016

9:04 a.m.

C O N F I D E N T I A L

Deposition of JOHANNA SJOBERG, pursuant
to notice, taken by Plaintiff, at the
offices of Boies Schiller & Flexner, 401
Las Olas Boulevard, Fort Lauderdale, Florida,
before Kelli Ann Willis, a Registered
Professional Reporter, Certified Realtime
Reporter and Notary Public within and
for the State of Florida.

1 Q. And what -- do you recall any observations
2 about [REDACTED] when you met her?

3 A. To speak with, she was a little rough
4 around the edges, and I could see the progression of
5 her being groomed a little. They got her braces.
6 She had terrible posture. And with a lot of
7 massages, she learned to stand up straight. So I
8 just saw her become a much more confident person.

9 Q. Do you recall how old she was when you
10 first met her?

11 A. I assumed she was 18, but I do not know
12 her age.

13 MS. McCAWLEY: We're going to take a break
14 really quickly and then we will be back. So we
15 are going to go off the record.

16 THE VIDEOGRAPHER: Off the record at 9:48.

17 (Thereupon, a recess was taken, after
18 which the following proceedings were held:)

19 THE VIDEOGRAPHER: On the record at 9:58.

20 BY MS. McCAWLEY:

21 Q. I'm just going to resume. I have a few
22 more questions for you.

23 You mentioned visiting the US Virgin
24 Islands.

25 Do you recall doing any activities with

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CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, the undersigned authority, certify
that JOHANNA SJOBERG personally appeared before me
and was duly sworn.

WITNESS my hand and official seal this
18th day of May, 2016.

KELLI ANN WILLIS, RPR, CRR
Notary Public, State of Florida
My Commission No. FF911443
Expires: 2/16/21

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EXHIBIT 7

(Filed Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 1, 2016

9:12 a.m.

C O N F I D E N T I A L

Deposition of JOHN ALESSI, pursuant
to notice, taken by Plaintiff, at the
offices of Boies Schiller & Flexner, 401
Las Olas Boulevard, Fort Lauderdale, Florida,
before Kelli Ann Willis, a Registered
Professional Reporter, Certified Realtime
Reporter and Notary Public within and
for the State of Florida.

1 JOHN ALESSI

2 Q. You never received emails from either of
3 them?

4 A. No, sir.

5 Q. So when there would be a message from one
6 of them while they were out of town, they would call
7 you, call you on the telephone?

8 A. I haven't spoken to Ghislaine in 12 years.

9 Q. Sorry. I'm talking about when you worked
10 there and you would receive a message that they were
11 coming into town, would that be by way of telephone?

12 A. Telephone, and also, there was a system at
13 the house, that it was MindSpring, MindSpring I
14 think it's called, that it was like a message system
15 that would come from the office.

16 Q. What is MindSpring?

17 A. It was a server. I think it was -- the
18 office would have, like, a message system between
19 him, the houses, the employees, his friends. They
20 would write a message on the computer. There was no
21 email at that time.

22 Q. Okay. So what computer would you use?

23 A. My computer in my office.

24 Q. And so was part of your daily routine to
25 go to your computer and check to see if you had

1 JOHN ALESSI

2 MindSpring messages?

3 A. No. That was at the end of my stay. That
4 was the very end of my stay. I didn't get involved
5 with that too much. But it was a message system
6 that Jeffrey received every two, three hours, with
7 all the messages that would have to go to the office
8 in New York, and they will print it and send it
9 faxed to the house, and I would hand it to him.

10 Q. Did it look like the message pads that
11 we've been looking at?

12 A. No, no, nothing like that.

13 Q. Was it typed-out messages?

14 A. Yes, typed-out messages.

15 Q. Just explain one example of how it would
16 work. Let's say that Ghislaine wanted to send him a
17 message on MindSpring. How would that work?

18 A. An example?

19 Q. Sure.

20 A. It got so ridiculous at the end of my
21 stay, okay? That Mr. Epstein, instead of talking to
22 me that he wants a cup of coffee, he will call the
23 office; the office would type it; they would send it
24 to me, Jeffrey wants a cup of coffee, or Jeffrey
25 wants an orange juice out by the pool.

1 JOHN ALESSI

2 Q. He would call the office in New York.
3 They would then type it in MindSpring?

4 A. Send it to me.

5 Q. How would you know to check for it? How
6 would you know to look for this MindSpring?

7 A. Because I was in the office. I was there.
8 I was there. And we have a signal when it come on
9 and says, Hey, you've got mail.

10 Q. Okay.

11 A. Every day. Every day it was new things
12 put in. That's why I left, too.

13 Q. Do you know who set up the mind spring
14 system?

15 A. It was a computer guy. It was a computer
16 guy who worked only for Jeffrey. Mark. Mark
17 Lumber.

18 Q. Was he local to Palm Beach?

19 A. No. He was in New York. Everything was
20 set up from New York. And Mark Lumber, I remember
21 he came to Palm Beach to set up the system at the
22 house.

23 Q. Did you become aware at some point in time
24 that there was a bag or a briefcase of cash that was
25 in the house?

EXHIBIT 8

(Filed Under Seal)

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO:502008CA028051XXXXMB AB

L.M.

Plaintiff,

-vs-

JEFFREY EPSTEIN
AND SARAH KELLEN,

Defendants.

_____ /

DEPOSITION OF JANUSZ BANASIAK

Tuesday, February 16, 2010
10:09 - 2:30 p.m.

250 Australian Avenue South
Suite 1500
West Palm Beach, Florida 33401

Reported By:
Cynthia Hopkins, RPR, FPR
Notary Public, State of Florida
Prose Court Reporting
Job No.: 1317

(561) 832-7500 PROSE COURT REPORTING AGENCY, INC. (561) 832-7506

1 A. One was in cabana. One, the other second one
2 was in living room and one was in small office next to
3 the kitchen.

4 Q. All right. In your time at the house
5 prior to that, is it fair to say those computers had
6 never been removed before?

7 A. I remember that there was to bring some new
8 ones to replace them at some point. I don't know
9 remember exactly if it was for upgrading, but they
10 change computers very often I would say.

11 Q. All right. But the computers -- the
12 removal by Adriana and this individual, that wasn't
13 done -- we're talking about a different -- that's
14 not a time where they were replacing computers.
15 This was just removing computers from the house?

16 A. Yes.

17 Q. And did you receive any explanation as to
18 why the computers were being removed from the house?

19 A. No.

20 Q. Did you ever have occasion to use any of
21 the three computers that were removed from the
22 house?

23 A. No. I never, I never, you know, touch them,
24 never use them. I have my own computer in my office, so
25 I use this computer.

1 Q. Is your computer in your office --

2 A. Yes.

3 Q. Let me finish. Is the computer in your
4 office linked up with the three computers that were
5 removed from the house? Meaning, can you look at
6 the system and see what is on those three computers?

7 A. No, no.

8 Q. Is it your understanding that those three
9 computers are linked with one another or do you
10 know?

11 A. I don't know, but I, I doubt it. They are
12 separate I guess.

13 Q. Okay. Were you aware that Mr. Epstein
14 used a Citrix program to link various computers?
15 Did you know that?

16 A. Yeah. I use Citrix too in my computer for
17 exchanging e-mails and get through Internet.

18 Q. Okay. So, is it your understanding that
19 the only connection then through Citrix with these
20 computers, these various computers that were in
21 Mr. Epstein's home, was for e-mail purposes?

22 A. Yes.

23 Q. Okay. To your knowledge, you're not
24 familiar with those computers sharing other files or
25 information?

1 A. No.

2 Q. That's not something that you were, you
3 were privy to? You weren't, you weren't in the loop
4 of the sharing of information in the house in terms
5 of the computers being connected through any server?

6 A. I don't really know what, how, how to answer
7 your question because Citrix is for the whole
8 organization to exchange e-mail between employees.

9 Q. All right. You used the term?

10 A. So, even my computer is connected to Citrix.
11 I can receive mail and I can e-mail information to
12 employee within organization. But I don't know if you
13 can see to each computer what is going on on another
14 computer.

15 Q. You don't know about --

16 A. Is that your question?

17 Q. You don't know about shared files?

18 A. No.

19 Q. You only know that the one computer can
20 e-mail the other?

21 A. Right.

22 Q. But that can happen with any two computers
23 in the world pretty much. You can send e-mails to
24 each other, right.

25 A. Yes.

1 Q. You have used the term organization, you
2 can share within the organization. What do you --
3 just so I can understand what you're calling the
4 organization, what do you mean by that word?

5 A. People employed by Jeffrey Epstein. There are
6 a few groups of people, his office in New York and I
7 guess --

8 Q. Who are those people by name that you
9 would consider within the Jeffrey Epstein
10 organization?

11 A. His accountant, his --

12 Q. Who is that?

13 A. Bella Klen.

14 Q. What is it?

15 A. Bella Klen. K-l-i-n. E-n, I'm sorry.

16 Q. Bella, B-e-l-l-a?

17 A. Yes.

18 Q. Is that somebody in New York?

19 A. Yes.

20 Q. Is that a male or female?

21 A. Female.

22 Q. And you understand that's his accountant?

23 A. Right.

24 MR. GOLDBERGER: Just to get the spelling
25 correct is it K-l-e-i-n?

1 THE WITNESS: K-l-e-n.

2 MR. MERMELSTEIN: K-l-e-n.

3 BY MR. EDWARDS:

4 Q. And in addition to Bella Klen, who else
5 would you have considered to be in Jeffrey Epstein's
6 organization?

7 A. Rich Kahn. Richard Kahn.

8 Q. And how do you spell the last name?

9 A. K-a-h-n.

10 Q. And where is he located?

11 A. New York office.

12 Q. What does he do?

13 A. I guess he was involved with the accounting.

14 Q. And who else?

15 A. Leslie. I would think I would say secretary.

16 Q. Leslie Groff?

17 A. Yes.

18 Q. And is she also in the New York office?

19 A. Yes.

20 Q. What do you understand her role to be?

21 A. Secretary I would say.

22 Q. Did she also schedule appointments for
23 these young females to come to Jeffrey Epstein's
24 house?

25 MR. GOLDBERGER: Form.

1 THE WITNESS: I don't know.

2 BY MR. EDWARDS:

3 Q. We'll go back to that but I tell you why I
4 ask. If you don't know then you don't know, but in
5 the course of Mr. Epstein's -- you're aware that he
6 did plead guilty to a couple felonies in state
7 court, right?

8 A. Right.

9 Q. Well, in the course of the negotiation
10 with the federal government and the U.S. Attorney's
11 Office, they, the agreement between Mr. Epstein and
12 the U.S. Attorney's office mentions people that are
13 called co-conspirators of Epstein. And Leslie Groff
14 is named as one of those co-conspirators.

15 Do you know what involvement, if any, that
16 she had with the crimes that were being
17 investigated?

18 A. No.

19 Q. Okay.

20 A. I am not aware of this.

21 Q. Okay. The other people mentioned as
22 co-conspirators are Sarah Kellen, Adriana Ross, and
23 Nadia Marcinkova. So we'll get to them in a minute
24 but first just so we stay on the track of who was in
25 the organization, is Sarah Kellen, Adriana Ross and

1 Nadia Marcinkova all people that you would also
2 consider within the organization?

3 A. Yes.

4 Q. Okay. So, we just added three more names
5 to it. Who else would you consider, Ghislaine
6 Maxwell?

7 A. Yes.

8 Q. And who else?

9 A. Who was working there?

10 Q. Bella, Richard Kahn, Leslie Groff,
11 Ghislaine Maxwell, Nadia, Sarah, Adriana.

12 A. I think Harry was involved with the
13 accounting.

14 Q. Okay.

15 A. I don't recall his last name.

16 Q. Somebody else involved with the
17 accounting?

18 A. Yes.

19 Q. Okay. Any of those people that you just
20 named, were any of those people that you just named
21 the person that you described as the gentleman that
22 assisted Adriana in removing the computers from the
23 house prior to the search warrant being executed?

24 A. No. You mean the one who show up to do those
25 computers?

1 Q. Right. The one who helped Adriana move
2 it.

3 A. No, it wasn't.

4 Q. Had you ever seen that individual on the
5 property, on Mr. Epstein's property at 358 Albrillo
6 Way prior to him assisting Adriana in removing the
7 computers from the home?

8 A. No.

9 Q. That was their first time seeing him?

10 A. Yes.

11 Q. Had you ever seen him since that date?

12 A. No.

13 Q. And to this date you don't know who that
14 individual was?

15 A. No.

16 Q. Were you told that the -- let me rephrase
17 that. I guess you told me that anything that
18 happened in the home in terms of guests coming over
19 or things of that nature, you would be forewarned
20 about it, right?

21 A. Right.

22 Q. So, when was the first time that you
23 learned that Adriana and some gentleman that you had
24 never met would be coming to the home to remove the
25 computers?

1 A. I got the phone call from her that there would
2 be -- I don't know what time it was in the house in
3 certain time and they would pick up those computers.

4 Q. Okay. And you got a phone call from
5 Adriana?

6 A. Right.

7 Q. Why were you called by Adriana to tell you
8 that Adriana and would be coming over to, with some
9 other gentleman to remove the computers. Do you
10 know why you were told that?

11 A. No.

12 Q. Would Adriana call every time she would
13 come over?

14 A. Yes.

15 Q. Okay.

16 A. I mean, any, any time coming to the house,
17 they always let me know who is coming when they are
18 arriving or whatever.

19 Q. Back in 2000, sorry.

20 A. I said even if Jeffrey Epstein arriving at the
21 house, I always know what time and which day he would be
22 here or another person, so I would be aware of what was
23 going on and I would be prepared.

24 Q. Who besides you back in 2005 lived at the
25 house full time; just you?

CERTIFICATE OF OATH

THE STATE OF FLORIDA

COUNTY OF PALM BEACH

I, the undersigned authority, certify that
JANUSZ BANASIAK personally appeared before me
and was duly sworn on the 16th day of February,
2010.

Dated this 28th day of February, 2010.

Cynthia J. Hopkins



Cynthia Hopkins, RPR, FPR
Notary Public - State of Florida
My Commission Expires: February 25, 2011
My Commission No.: DD 643788

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VIRGINIA L. GIUFFRE,
Plaintiff,
v.
GHISLAINE MAXWELL,
Defendant.
-----X

15-cv-07433-RWS

**Response in Opposition to Plaintiff's Motion to Enforce the Court's Order and
Direct Defendant to Answer Deposition Questions Filed Under Seal**

Laura A. Menninger
Jeffrey S. Pagliuca
HADDON, MORGAN, AND FOREMAN, P.C.
East 10th Avenue
Denver, CO 80203
303.831.7364

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Defendant Ghislaine Maxwell, by and through her counsel, hereby submits the following Response in Opposition (“Response”) to Plaintiff’s Motion to Enforce the Court’s Order and Direct Defendant to Answer Deposition Questions Filed Under Seal (“Motion”), as follows:

INTRODUCTION

This lawsuit presents one relatively simple question: is Plaintiff’s claim that she was sexually abused, sexually trafficked and held as a “sex slave” by Jeffrey Epstein between 1999 and 2002 “with the assistance and participation of” Ms. Maxwell substantially true? Plaintiff already has admitted, under oath, that substantial portions of her story are untrue; she has so far refused to say under oath what other lies printed by the press about her story are untrue, but has admitted that journalist Sharon Churcher “got it wrong.” For example, Plaintiff has admitted that she did not meet Ms. Maxwell or Mr. Epstein in 1999 (or in 1998) at the age of 14 or 15, as she previously has sworn and as she told members of the press. Declaration of Jeffrey S. Pagliuca (“Pagliuca Decl.”), Composite Ex. A (Testimony of Plaintiff Virginia Giuffre on May 3, 2016), at 26-27, 220-226. Plaintiff admitted that she did not spend her sweet 16th birthday with Mr. Epstein and Ms. Maxwell as she included in her book manuscript, her Jane Doe #102 Complaint and in the story she sold to the Daily Mail. *Id.* at 102. Plaintiff’s counsel has admitted that it was a mistake to sue Alan Dershowitz for defamation, after he provided them documentation establishing he never was in their client’s presence, nor did he have sex with her. Pagliuca Decl., Ex. B. And Plaintiff’s story about attending a dinner party with Bill Clinton on Little St. James was debunked by none other than former FBI head, Louis Freeh. *Id.*

Yet, undeterred, Plaintiff and her counsel continue to use this lawsuit to seek discovery of matters far afield of the one simple question posed in the defamation claim, to explore events that occurred well past 2002, when Plaintiff lived in Australia and had no contact with Ms. Maxwell or Mr. Epstein. The current witch-hunt has now expanded into the private personal life

of defendant Ghislaine Maxwell. The harassing, extended, repetitive, cumulative and redundant continued deposition of Ms. Maxwell should be concluded.

FACTUAL BACKGROUND

On April 22, 2016 Plaintiff deposed Ms. Maxwell for a full seven hours. The transcript of that deposition is 418 pages long. Ms. Maxwell did not assert any privilege against self-incrimination and was questioned extensively about, among other things: her relationship with Jeffrey Epstein, her knowledge of “sexual trafficking,” sex with minors, non-consensual sex, sex involving the Plaintiff and others, sex involving Plaintiff and Mr. Epstein, sex involving the Plaintiff and Ms. Maxwell, sex involving the Plaintiff, Ms. Maxwell and Mr. Epstein. She was asked questions about whether she recruited girls for Ms. Epstein to have sex with, her knowledge of Ms. Epstein’s sex with a number of people. She was asked questions about “sex toys,” pornographic images, child pornography, and nudity at Mr. Epstein’s house. Ms. Maxwell answered these questions, and many others, to the best of her ability. *See Pagliuca Decl.*, Composite Exhibit C (Transcript of (First) Deposition of Ghislaine Maxwell on April 22, 2016).

During her **first** deposition, Ms. Maxwell was freely questioned and testified about the following:

- She never had a sexual encounter with Plaintiff, ever. *Id.* at 76:3-11.
- She never saw Plaintiff massage Mr. Epstein. *Id.* at 75:12-24.
- She never saw Jeffrey Epstein and Plaintiff in a sexual situation. *Id.* at 75:23- 76:l.
- She did not have a set of outfits for Plaintiff to wear. *Id.* at 69:1-24, and again at 117:4-15.
- She had no knowledge of any non-consensual sex acts involving Mr. Epstein. *Id.* at 55:5-15.
- She never had non-consensual sex with anyone. *Id.* at 62:19-20 & 63:23-25.

- She did not train Plaintiff to “recruit” other girls for massages or sexual massages. *Id.* at 81:21- 82:7.
- She never arranged for or asked Plaintiff to have sex with anyone. *Id.* at 58:6-11.
- She never gave a massage with Plaintiff in the room with Mr. Epstein. *Id.* at 19:16-21.
- She never gave a massage to Mr. Epstein with a female that was under the age of 18 in the room. *Id.* at 22:11-14.
- She never observed Mr. Epstein having a massage given by an individual, a female, who was under the age of 18. *Id.* at 22:15-18.
- She never had sex with [REDACTED]. *Id.* at 38:19-23.
- She never observed Jeffrey Epstein having sex with [REDACTED]. *Id.* at 38:24- 39:2.
- She was unaware if Jeffrey Epstein was having sexual contact with [REDACTED] when she was 13 years old. *Id.* at 39:3-5.
- She was never involved in an orgy with [REDACTED]. *Id.* at 40:16-18.
- She had no knowledge of whether [REDACTED] was involved with sex with Jeffrey Epstein and girls over the age of 18. *Id.* at 46:13-16.
- She had no knowledge of whether [REDACTED] recruited other girls for sex with Jeffrey Epstein. *Id.* at 46:17-21.
- She did not know the precise nature of Jeffrey Epstein’s relationship with Sara Kellen. *Id.* at 48:5-6.
- She was unaware of any sexual acts with masseuses and Jeffrey Epstein that were non-consensual. *Id.* at 55:5-15.
- She discussed her knowledge of Annie Farmer. *Id.* at 55:17- 56:20.
- She had no knowledge of Annie Farmer telling the police that Jeffrey Epstein sexually assaulted her. *Id.* at 56:16-20.
- She had no knowledge of Emmy Taylor having sex with Jeffrey Epstein. *Id.* at 65:10-15.
- She never had sex with Jeffrey Epstein, Plaintiff, and Emmy Taylor. *Id.* at 65:8-10.
- She had no knowledge of Emmy Taylor bringing females to the house to massage Jeffrey Epstein. *Id.* at 67:5-13.
- She had no knowledge about a basket of sex toys. *Id.* at 70:25- 75:4 and again at 242:3-243:13.

- She was unaware of Jeffrey Epstein ever having his nipples pinched while having sex with a minor. *Id.* at 82:23-83:4.
- She never met anyone underage in London to provide a massage for Jeffrey Epstein. *Id.* at 97:25-98:5.
- She had no knowledge about Jean Luc Brunel bringing girls to Jeffrey Epstein for the purpose of providing massages. *Id.* at 99:2-21.
- She never participated in obtaining visas for foreign girls. *Id.* at 100:9.
- She did not believe it was Jeffrey Epstein's preference to start sex with a massage. *Id.* at 100:10-20.
- She never trained a female under the age of 18 at Jeffrey Epstein's home. *Id.* at 157:5-10.
- She has no knowledge whether [REDACTED] ever asked females to come over to see Jeffrey Epstein for the purpose of sexual massage. *Id.* at 268:21-24.
- She had no knowledge of any sexual relationship between Jeffrey Epstein and Anouska DiGeorgio. *Id.* at 305:5-23.
- She was aware of [REDACTED] and understood that she was Jeffrey Epstein's girlfriend and spent a lot of time with him in 1999-2000. *Id.* at 364:5-365:11.

Because Ms. Maxwell had not, by virtue of becoming a defendant in this case, injected her entire personal sexual history into this litigation counsel for Ms. Maxwell, during the first 7 hour deposition, instructed Ms. Maxwell to not answer questions related to consensual sexual activity with adults. No objection was raised, and no instruction to not answer lodged, to questions regarding Ms. Maxwell's knowledge of sexual activity (consensual or non-consensual) by Mr. Epstein or others with children, Plaintiff, or other persons. No objections were made, or instructions to not answer, to questions about whether Ms. Maxwell assisted Mr. Epstein in the alleged sexual trafficking of the Plaintiff from 1999 to 2002. Ms. Maxwell answered questions about sexual trafficking, prostitution, her job with Mr. Epstein, and police reports related to Mr. Epstein. Ms. Maxwell was questioned, without any instruction not to answer, about message pads, phone lists, the hiring practices related to massages, hiring practices in general, whether Jeffrey Epstein had a scheme to recruit underage girls for sexual massages and whether Jeffrey

Epstein's assistants would arrange times for underage girls to perform sexual massages. Pagliuca Decl., Ex. C at 253-55. She was extensively questioned about various message pads recovered from Jeffrey Epstein's home by the Palm Beach Police Department. *Id.* at 147:23-167:23. She was extensively questioned regarding her knowledge about Johanna Sjoborg. *Id.* at 307:6-312:12. She was extensively questioned about a list containing names and phone numbers under the heading "Massage Florida." *Id.* at 313:18 – 334:8. Simply stated, with the exception of her adult consensual sex life, Plaintiff was free to question Ms. Maxwell, and in fact questioned Ms. Maxwell on any topic. Importantly, Plaintiff's original motion recognized this fact, seeking only to response Plaintiff on one subject: "Defendant should be ordered to sit for a follow-up deposition and directed to answer questions regarding her knowledge of alleged "adult" sexual activity." Plaintiff's Motion to Compel Deposition Questions, WHEREFORE Clause, at 10 (Doc. # 143).

On June 20, 2016 the Court issued its Order allowing Ms. Maxwell to be re-deposed on a limited basis. The Court authorized questioning relating to:

1. Ms. Maxwell's sexual activity with or involving Jeffrey Epstein;
2. Ms. Maxwell's sexual activity with or involving the Plaintiff;
3. Ms. Maxwell's sexual activity with or involving underage females;
4. Ms. Maxwell's sexual activity involving or including massage with individuals Ms. Maxwell knew were or were likely involved with Mr. Epstein;
5. Ms. Maxwell's knowledge of sexual activities of others with or involving Epstein;
6. Ms. Maxwell's knowledge of sexual activities of others with or involving Plaintiff;
7. Ms. Maxwell's knowledge of sexual activity of others with underage females known to Epstein or believed to be known to Epstein;
8. Ms. Maxwell's knowledge of sexual activity of others involving massage with individuals Ms. Maxwell knew or believed might be known to Epstein.

The continued deposition was expressly limited to the above eight categories, and the Court instructed that Ms. Maxwell “need not answer questions that relate to none of these subjects or that is clearly not relevant, such as sexual activity of third-parties who bear no knowledge or relation to key events, individuals, or locations of this case.” Order of June 20, 2016 at 10 (Doc. # 264-1). Presumably the Court did not authorize repetitive questioning about topics that had been asked and answered in the prior deposition.

Ms. Maxwell had already been subjected to, and fully answered, questions related the majority of the 8 topics in her first 7-hour deposition. Questions related to topics 2, 3, 5, 6, and 7 had all been answered in the negative, *i.e.*, Ms. Maxwell did not have any sexual contact with the Plaintiff (2), did not have sexual contact with any underage females (3), did not have any sexual contact with anyone during a massage (4); had no knowledge of Epstein’s sexual activity other than with Ms. Maxwell (5); had no knowledge of sexual activity with others and the Plaintiff (6); and Ms. Maxwell’s knowledge of sexual activity of others with minors. Topics 4 and 8 had been substantially answered, in the negative. The instruction not to not to answer questions about sexual activity and massages was limited to any activity involving consensual adults. *See* Plaintiff’s Motion to Compel Deposition Questions at 10 (Doc. #143).

Given that the majority of the questions had already been posed and answered over a full seven-hour time period one might reasonably assume that Ms. Maxwell’s second deposition would be short and direct. Unfortunately, Plaintiff’s counsel chose to ignore the Court’s Order, repeatedly sought to reopen previously completed deposition topics and tried to ask questions about new topics completely unrelated to the limited purpose authorized. Pagliuca Decl., Ex. D (Transcript of (Second) Deposition of Ghislaine Maxwell on July 22, 2016). The entire deposition was far beyond the specific request made by Plaintiff in her Motion that Ms. Maxwell

be required to answer questions about adult consensual sexual activity – the only questions on which instructions were given in the first deposition. Yet, broad latitude was given by counsel in the deposition, permitting pages of duplicative, redundant examination on countless topics which had already been asked and fully answer in the first disposition. By way of example:

| Duplicative Topic of Questioning | First Deposition (Exhibit C) | Second Deposition (Exhibit D) |
|--|--|--------------------------------|
| Circumstances surrounding her first meeting of Plaintiff and if she held herself out as a professional masseur | 14:9-19:18
35:11-36:20
213:5-220:3 | 65:4-70:5 |
| If she saw women under the age of 18 (first deposition) or 21 (second deposition) at Epstein's houses | 12:22-14:8;
22:15-24:9;
99:2-100:4;
122:19-122:14 | 71:20-73:18 |
| Her knowledge of Ms. Sjoberg, her job, how she was hired, and if Ms. Maxwell ever received massages from Ms. Sjoberg | 59:7-63:16;
286:23-293:13;
307:6-312:12 | 74:2-78:19 ¹ |
| Knowledge of or meetings with Maria or Annie Farmer | 55:20-56:20;
62:21-25 | 95:14-98:10;
103:19-113:22 |
| Her knowledge of Nadia Marcinkova and interactions with Mr. Epstein | 40:19-47:14 | 120:22-122:5;
126:22-129:12 |

¹ Consistent with Ms. Maxwell's testimony, Ms. Sjoberg testified that 1) all massages she gave to Ms. Maxwell were ordinary professional massages, and never of a sexual nature; 2) Ms. Maxwell and she never engaged in any sexual activity, nor was it ever requested; and 3) all interactions she had at Mr. Epstein's property of a sexual nature were consensual activities while she was an adult. Pagliuca Decl., Ex. E, at 94-96; 101; *see generally* Response at 20-21, *infra*.

| Duplicative Topic of Questioning | First Deposition (Exhibit C) | Second Deposition (Exhibit D) |
|--|--|-------------------------------|
| Her knowledge of Sara Kellen, when she last spoke to Ms. Kellen, what Ms. Kellen's job was, and her knowledge of sexual relations between Ms. Kellen and Mr. Epstein | 47:15-49:18;
56:21-57:11;
254:25-256:8;
328:21-329:6;
396:4-21;
411:14-412:22 | 117:14-118:9;
125:2-126:21 |
| Her interactions with Alfredo Rodriguez | 329:7-330:12;
331:9-335:10 | 129:15-132:6 |
| Her knowledge concerning Jean Luc Brunel's sexual activities or interaction with Mr. Epstein | 379:22-380:18;
99:14-21;
116:19-117:3;
166:21-167:23 | 150:6-17 |
| Her knowledge of the identities of a list name titled "Massage – Florida" from an address book marked in the first deposition and discussed at length | 312:15-334:8 | 179:16 -184:15 |

THE QUESTIONS

I. PLAINTIFF'S FAILURE TO IDENTIFY THE SPECIFIC QUESTIONS CLAIMED UNANSWERED REQUIRES DENIAL OF THE MOTION

Plaintiff broadly, and inaccurately, claims now that at her second deposition, Ms. Maxwell "refused to answer many questions" related to sexual activity or "refused to answer questions about subject integral to this lawsuit." Motion at 3-4. This assertion is patently dispelled by a review of the second deposition transcript which is 193 pages long. Pagliuca Decl., Ex. D. The deposition began at 9:04 a.m. and concluded at 2:51 p.m. The total time Ms. Maxwell testified in this deposition was 4 hours and 52 minutes for a total combined deposition

time of 11 hours and 52 minutes. A total of 787 questions were posed to Ms. Maxwell in the second deposition. Ms. Maxwell answered every question posed to her that fell within the scope of the June 20 Order, many that were outside the scope, and countless questions that had been asked and answered in her first deposition.

It is difficult to discern precisely what questions Plaintiff is complaining about in her Motion because of her generalized and non-specific complaints. Plaintiff fails to cite to a single instruction not to answer that 1) falls within the scope to the Court's Order and 2) that was not answered when properly rephrased to fall within the scope of the Order. S.D.N.Y. Local Rules require that:

A party seeking or opposing relief under Fed. R. Civ. P. 26 through 37 inclusive, or making or opposing any other motion or application, **shall quote or attach only those portions of the depositions, interrogatories, requests for documents, requests for admissions, or other discovery or disclosure materials, together with the responses and objections thereto, that are the subject of the discovery motion or application,** or that are cited in papers submitted in connection with any other motion or application. See also Civil Local Rule 37.1.

The failure to comply with Rule 37.1 and set forth the particular questions or responses Plaintiff claims are deficient is “enough to require denial of the motion.” *Sibley v. Choice Hotels Int'l*, No. CV 14-634 (JS) (AYS), 2015 WL 9413101, at *5 (E.D.N.Y. Dec. 22, 2015) (denying motion to compel where party failed to identify the specific questions and responses to interrogatories claimed deficient); *see also Kilkenney v. Greenberg Traurig, LLP*, No. 05 CIV. 6578NRB, 2008 WL 371808, at *1 (S.D.N.Y. Feb. 7, 2008) (denying motion to compel where specific questions and objection were not provided, noting rule 37.1 is “This is not an academic or ritual requirement. . . . Court cannot be tasked with performing the functions of Kilkenney's legal counsel [by identifying claimed deficiencies] and thereby seen as advocating for one party over another.”); *Frattalone v. Markowitz*, No. 91 CIV. 5854 (LMM), 1994 WL 494878, at *3

(S.D.N.Y. Sept. 9, 1994) (permitting reopening of deposition only if party could specifically identify areas of inquiry previously foreclosed). To the extent Plaintiff has not identified specific questions that Ms. Maxwell was instructed not to answer she has waived any issue related to the questioning.

II. THE REQUESTED TOPIC AREAS ARE CUMULATIVE, DUPLICATIVE AND NO GOOD CAUSE EXISTS FOR PERMITTING ADDITIONAL DEPOSITION TIME

Plaintiff's proffered "topic areas" that she would like to re-open the deposition to cover – again – makes clear that what she is asking for is additional time – in excess of the almost 12 hours she has already had – to ask questions that have already been answered. This is impermissible under Rule 30(d)(1) which prohibits depositions in excess of 7 hours seeking the type of duplicative and cumulative testimony Plaintiff seeks.

The only testimony cited in the Motion are instances in which Ms. Maxwell had already fully testified on the topic area. First, she cites questions concerning Johanna Sjoberg, a witness who has been deposed in this case. What Plaintiff ignores is that Ms. Maxwell had already been fully examined concerning her knowledge about Ms. Sjoberg and answered every question, with the exception of a single questions regarding adult consensual sexual activity which was answered in the second deposition. *See* Pagliuca Decl., Ex. C at 59:7-63:16; 286:23-293:13; 307:6-312:12 & Ex. D at 77:24 – 78:6 ("Q. Did Mr. Epstein, insofar as you believe, engage in sexual activities with Johanna? A. I would not know. I would say no. Q. Did you engage in sexual activities with Johanna? A. No."). Despite this, leeway was given, and 5 pages of repeated testimony concerning Ms. Sjoberg commenced and was permitted until the duplicative nature of the testimony was simply too much. *See* Pagliuca Decl., Ex. D at 74:2-78:19.

Second, Plaintiff inaccurately complains that Ms. Maxwell refused to answer questions concerning sexual activity involving two women named Annie and Maria Farmer. Motion at 6. Not so. Ms. Maxwell answered questions for fully **13 pages** of her deposition concerning the Farmers. *See* Pagliuca Decl., Ex. D at 95-98 and 103-113. Ms. Maxwell answered **well over 76 questions** relating to Annie and Maria Farmer including who they are, when she met them, whether she ever saw them at Epstein's homes or her own home, whether Epstein ever had sex with them, whether they worked for Epstein, whether they flew on planes together, gave or received massages, participated in any sexual activities with one another, where they lived, the description of their living environments, and whether journalist Vicky Ward ever told Ms. Maxwell that Epstein had engaged in sexual activities. *Id.* This was on top of the questions that Ms. Maxwell had already answered at her **first** deposition that were nearly identical: who are the Farmers, how did you meet them, whether they ever made any allegations of sexual abuse by Epstein, or whether Ms. Maxwell had ever had non-consensual sexual contact with Annie Farmer. Pagliuca Decl., Ex. C at 95:14 -98:10 & 103:19-113:22. In fact, at the first deposition, Ms. Maxwell did not refuse to answer a single question regarding the Farmers. Thus, all of the questions at the second deposition were redundant, cumulative and outside of the Court's Order. The only question that Ms. Maxwell refused to answer was: "What did Vicky Ward tell you about Maria Farmer when she talked to you?" after which she answered another 10 pages of questions that centered around whether Vicky Ward had said specific things regarding the Farmers. Pagliuca Decl., Ex. D at 103-113. Ms. Maxwell has already flatly denied she had any knowledge of the allegations posited by reporter Vicky Ward.

Plaintiff is not permitted to re-depose Ms. Maxwell on issues already covered, or which she had the opportunity to cover, in the first 7-hour deposition, particularly in light of the

additional 4.5 hours permitted in the second deposition and the fact that she answered in the second deposition the only pertinent questions permitted by the Court Order. *See* Fed. R. Civ. P. 30(d)(1) (“the court must allow additional time *consistent with Rule 26(b)(1) and (2)* if needed to fairly examine the deponent”) (emphasis added). Rule 30(d)(1) requires a court to guard against redundant or disproportionate discovery, stating that any additional deposition time must be consistent with Rule 26(b)(1) and (2), prohibiting, among other things, cumulative and duplicative testimony. The duplicative nature of the “topics” requested by Plaintiff is demonstrated by the previously cited testimony. It is compounded by the fact that Ms. Sjoberg has fully testified concerning how she came to work for Epstein, what she did while working for him, and how she was paid. *See* This Response at 20-21, *infra*. The redundancy of the requested testimony (much of which is outside the scope of the Order) prohibits a finding of good cause for reopening – yet again – Ms. Maxwell’s testimony. *See Kleppinger v. Texas Dep’t of Transp.*, 283 F.R.D. 330, 333 (S.D. Tex. 2012) (“a party seeking a court order to extend the duration of the examination must show ‘good cause’ to justify such an order” including showing information is not duplicative and cumulative).

Of course, Ms. Maxwell and her counsel had no desire to subject Ms. Maxwell to a third deposition, thus permitting many questions that far exceeded the scope of the Order. When called on to explain how extraneous questions were proper, Plaintiff’s counsel refused to proffer why certain questions were within the Court’s order leaving Ms. Maxwell’s counsel no option, on a few occasions, to instruct Ms. Maxwell to not answer. Plaintiff’s counsel’s refusal to simply explain how objectionable questions were within the scope of the permitted deposition makes clear that they were not, and should act as a waiver. *See, e.g.,* Pagliuca Decl., Ex. D at 99-101.

III. COUNSEL INSTRUCTED MAXWELL NOT TO ANSWER TO ENFORCE THE COURT’S ORDER AND TO PREVENT HARASSMENT BY PLAINTIFF’S COUNSEL

The only questions to which counsel for Ms. Maxwell instructed her not to answer were those that she had already answered or were outside the Court’s Order permitting a re-opening of the deposition. Fed. R. Civ. P. 30(c)(2) (instruction not to answer appropriate “when necessary to ... enforce a limitation ordered by the court”). Plaintiff loosely points to eleven questions in her Motion. She omits parts in which the question had already been answered, and she implies an instruction not to answer where none was given. None of the cited questions merits the re-opening of Ms. Maxwell’s deposition for a third bite at the apple.

A. Objected to Question Number 1:

“So how did it happen, Ms. Maxwell, that Joanna, who had been hired to answer phones, ended up giving massages to you and Mr. Epstein.”

In Ms. Maxwell’s first, 7 hour, deposition she was questioned extensively about her relationship with Ms. Sjoberg. *See Pagliuca Decl. Ex. C at 59-63; 112-113; & 307-309.* Consistent with the Defendant’s position at that time, Plaintiff was free to ask, and asked, questions about Ms. Sjoberg with the exception of consensual adult sexual contact. The only instruction to not answer was limited to consensual adult sexual contact, of which there was none. (Although in fact, Ms. Maxwell testified in her first deposition that the massages with Ms. Sjoberg did not involve sex.). *See Pagliuca Decl. Ex. C at 61:14-15..*

In Ms. Maxwell’s second, 4.5 hour deposition, she was again questioned extensively about Ms. Sjoberg. The questioning begins on page 74 of the transcript. Plaintiff’s counsel asked dozens of questions about Ms. Sjoberg without any instruction to not answer. When the questions became repetitive to the questions asked at the first deposition and strayed outside the

Court's Order counsel for Ms. Maxwell sought guidance from the Court, which was not available.

Notwithstanding that the examination was repetitive, Ms. Maxwell responded to questions, without instruction not to answer, that were within the Court's Order. She testified that she did not have any sexual relationship or contact with Ms. Sjoberg and was unaware of any sexual contact between Mr. Epstein and Ms. Sjoberg. *See* Pagliuca Decl. Ex. D at 77:24-78:6. She also testified about Ms. Sjoberg and massages, both in her first deposition and the second. *See* Pagliuca Decl. Ex. C at 59-63; 112-113; & 307-309 and Ex. D at 74-82:8.

When the question about Ms. Sjoberg answering phones for was asked for the *fourth time*, the instruction not to answer was given. These questions had been asked in the first deposition, could have been asked in greater detail in the first deposition, and were answered in both depositions prior to the instruction not to answer being given: Ms. Sjoberg was hired to answer phones and sometime after that went to massage school and began giving massages. Ms. Maxwell was not sure how the transition occurred but believed "that she went to massage school and became a professional masseuse." *Id.*, at 75:10-11.

B. Objected to Questions Number 2 and 3.

"Did Mr. Epstein pay Johanna for the massages that she gave Mr. Epstein?"
"Do you know how much Mr. Epstein paid Johanna to give massages?"

Plaintiff has selectively and misleadingly provided only a portion of the transcript related to this issue and ignores the fact that Plaintiff, in the first deposition, asked questions on the same topic. Moreover, Ms. Maxwell previously testified that she did not pay Ms. Sjoberg and did not know who paid her. *See* Pagliuca Decl. Ex. C at 59-63; 112-113; & 307-309 and Ex. D at 82:2-7.

C. “Objected” to Question Number 4.

“Do you know if Maria Farmer was ever at Mr. Wexner’s property in Ohio?”

This question is completely outside the Court’s June 20, 2016 Order as it does not relate to Ms. Maxwell, Mr. Epstein, massages, sex, or any property identified in this case. Regardless, the witness was never instructed to not answer the question and did not refuse to answer questions about the Farmers. After the question was posed, counsel for Ms. Maxwell simply asked for an explanation as to how the question was within the Court’s Order. The witness was not instructed not to answer. It appears that after considering the request for a proffer as to how the question was within the Court’s Order, the question was withdrawn and a different question was posed: “Mr. Boies: Let me approach it this way.” ... Did Ms. Ward tell you that?” The questioning about the Farmers continues many pages thereafter. *See Pagliuca Decl., Ex. D at 99-113.*

D. “Objected” to Question Number 5

Without any record support Plaintiff claims that “Defendant’s counsel also stopped a line of questioning in which defendant was asked if she recalled several girls Tony Figueroa brought over to give a ‘massage’ to Epstein.” Plaintiff cites no specific instruction not to answer because one was never given. Ms. Maxwell answered questions about Mr. Figueroa and was questioned extensively regarding lists of names, about which Ms. Maxwell had no knowledge. Plaintiff was not forced to “cease questioning” about any person. The questioning occurred and Ms. Maxwell responded.

E. “Objected” to Question Number 6

“Was there a list that was kept of women or girls who provided massages?”

The “list” was introduced as Exhibit 13 to Ms. Maxwell’s first deposition. Ms. Maxwell was questioned extensively about the “list” and testified, without objection about the list. In her

second deposition, the same Exhibit 13 was introduced and Ms. Maxwell was asked, without objection, questions relating to specific names on Exhibit 13. *See* Pagliuca Decl., Ex. C at 312-334 and Ex. D at 179- 89.

Exhibit 13 was a document prepared by someone other than Ms. Maxwell, was not maintained by Ms. Maxwell and over which Ms. Maxwell had no control. Given the extensive testimony on the subject in both depositions, it was appropriate to instruct the witness to not answer the question. This debate, however is unnecessary because the question was asked again in a slightly different form and answered: Q: “Did you, or insofar as you are aware anyone, maintain a list of females that provided massage services to Mr. Epstein at his residences?” A: “I don’t know anything about a list.” *Id.*, Ex. D at 185:13-20. No follow up questions were asked after this answer.

F. Objected to Question Number 7

“In 2005, were you aware of any effort to destroy records of messages you had taken of women who had called Mr. Epstein in the prior period?”

Ms. Maxwell was previously deposed about documents purportedly seized when Mr. Epstein’s house was searched by the Palm Beach Police Department. *See* Pagliuca Decl., Ex. C at 312-19.

The Court’s June 20, Order did not reopen the deposition to allow for baseless questions about the destruction of evidence in 2005. Alleged destruction of records has nothing to do with any of the 8 areas that the Court addressed. Accordingly, the objection is well founded. Plaintiff’s tortured explanation about how the question fits into the Court’s Order is nonsense.

G. Objection to Question Number 8

“In terms of preparing for this deposition, what documents did you review?”

Ms. Maxwell was instructed to not answer the question as it related to privileged communications between Ms. Maxwell and counsel. Ms. Maxwell was asked if any of the documents refreshed her recollection about any of the events that occurred. Her response was: “No.” A follow up question was asked as to whether counsel provided Ms. Maxwell with any documents and the answer was “One, I believe.”

The communication between Ms. Maxwell and counsel was privileged, did not refresh her recollection, and the question was properly objected to.

H. Objections to Questions 9, 10, and 11.

“Now have you ever engaged in oral sex?”

“Did you ever have oral sex with anyone in any of Mr. Epstein’s five homes that you’ve identified other than Mr. Epstein?”

“Did you, in the 1990s and 2000s, engage in sexual activities other than intercourse with women other than what you have testified already?”

All of these questions were prohibited by the Court’s Order because they were related to unidentified “third-parties who bear no knowledge or relation to the key events, individuals, or locations of this case.”

The question “Now have you ever engaged in oral sex?” is not tied to any person place, event or time. It is clearly out of bounds. Ms. Maxwell did, in fact, answer the question about oral sex with individuals other than Mr. Epstein when the locations were specified, *i.e.*, planes; New York; Palm Beach; New Mexico; Paris; and the Virgin Islands. *See* Pagliuca Decl., Ex. D, Excerpts from July22, 2016 Maxwell Deposition pp. 21-23. (The answer was “no”).

The question: “Did you, in the 1990s and 2000s, engage in sexual activities other than intercourse with women other than what you have testified already?” is also prohibited by the Court’s Order as it is not tied to a person, location, or key event associated with this case.

Federal Rule of Civil Procedure 26(b)(1) provides, in relevant part, that “[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party” Although the scope of discovery is deliberately broad, a Court is not “required to permit plaintiff to engage in a ‘fishing expedition’ in the hope of supporting his claim.” *McGee v. Hayes*, 43 Fed.Appx. 214, 217 (10th Cir. 2002) (unpublished opinion); *see also Tottenham v. Trans World Gaming Corp.*, 2002 WL 1967023, at *2 (S.D.N.Y.2002) (“Discovery, however, is not intended to be a fishing expedition, but rather is meant to allow the parties to flesh out allegations for which they initially have at least a modicum of objective support”) (quotations omitted); *Hardrick v. Legal Services Corp.*, 96 F.R.D. 617, 618 (D.D.C.1983) (courts should, remain concerned about “fishing expeditions, discovery abuse and inordinate expense involved in overbroad and far-ranging discovery requests.”) (quotation omitted). “[B]road discovery is not without limits and the trial court is given wide discretion in balancing the needs and rights of both plaintiff and defendant.” *Gomez v. Martin Marietta Corp.*, 50 F.3d 1511, 1520 (10th Cir.1995) (quotation omitted).

Although relevance in discovery is broader than that required for admissibility at trial, “the object of inquiry must have some evidentiary value before an order to compel disclosure of otherwise inadmissible material will issue.” *Zenith Electronics Corp. v. Exzec, Inc.*, No. 93 C 041, 1998 WL 9181, at *2 (N.D.Ill.1998) (quoting *Piacenti v. Gen. Motors Corp.*, 173 F.R.D. 221, 223 (N.D.Ill.1997)). Courts have also recognized that “[t]he legal tenet that relevancy in

the discovery context is broader than in the context of admissibility should not be misapplied so as to allow fishing expeditions in discovery." *Id.* (quotation omitted).

Under Rule 26(c) of the Federal Rules of Civil Procedure any party may move the court, for good cause shown, for a protective order regarding pretrial discovery "which justice requires to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense." Fed. R. Civ. P. 26(c). "Although the Rule contains no specific reference to privacy or to other rights or interests that may be implicated, such matters are implicit in the broad purpose and language of the Rule." *Seattle Times Company v. Rhinehart*, 467 U.S. 20, 35 (1984).

It is important to consider, again, that Ms. Maxwell is the defendant in this action. She has not put her private affairs at issue. She simply denied that she assisted Jeffrey Epstein in the sexual trafficking of the Plaintiff. It is also important to recognize that Ms. Maxwell is not Mr. Epstein and Mr. Epstein's alleged conduct after Plaintiff left the country is not an issue in this defamation case. The Plaintiff has no personal knowledge of any of Mr. Epstein's activities after 2002. Accordingly, any statements by Plaintiff about Mr. Epstein's activities occurring after 2002 are her opinions, not facts that are subject to any defamation claim.

I. THE PURPORTED "FACTUAL BACKGROUND" CITED BY PLAINTIFF IS NOT RELEVANT TO THE ISSUES IN THE CASE OR THIS MOTION

As Carl Sandburg famously said, "If the facts are against you, argue the law. If the law is against you, argue the facts. If the law and the facts are against you, pound the table and yell like hell." In this case, rather than pound the table, Plaintiff tries to distract from the issues at hand – whether Ms. Maxwell fully answered all questions posed – by pointing to selective misleading quotes from various other witnesses who have been deposed in this case. When viewed in their entirety, those witnesses neither support Plaintiff's single claim for defamation nor her claim for

relief in this Motion. In direct contradiction to Plaintiff's fabricated story, the witnesses actually testified as follows:

Johanna Sjoberg worked as a masseuse for Jeffrey Epstein for 5 years from 2001-2006, while she was aged 21-26, including 1 ½ years that Plaintiff claims she was his "sex slave". As to that experience, Ms. Sjoberg testified:

- She never saw underage girls with Jeffrey Epstein or Ms. Maxwell and was "surprised" by the allegations of underage girls. Pagliuca Decl., Ex. E at 102. She never witnessed anyone underage in the presence of Epstein and Maxwell. *Id.* at 29. She only witnessed masseuses who were her age or older and they wore "normal" clothes. *Id.* at 31-32.
- She never was asked by Epstein or Maxwell to give sexual massages to any of their friends or any famous people and the massages she gave Epstein's friends were purely non-sexual. *Id.* at 112-116.
- She never gave any type of sexual massages to Ghislaine Maxwell. Ms. Maxwell never asked her to get naked during a massage, never asked for any sexual contact with her, and she remained appropriately draped during any massages. Ms. Maxwell was never present when she gave massages to Mr. Epstein. *Id.* at 95-97.
- Plaintiff appeared to Ms. Sjoberg to be some type of assistant who possibly also gave massages to Epstein. *Id.* at 19. She never seemed traumatized, she never reported to her any inappropriate requests or contact by Epstein or Maxwell, never said she had been sexually trafficked, she freely came and went. *Id.* at 113-16. In the only massage by Plaintiff of Epstein that Ms. Sjoberg observed, Plaintiff was fully clothed, on a beach, and it was non-sexual. *Id.* at 27. Ms. Sjoberg never saw Plaintiff in the presence of any famous people, apart from Prince Andrew and she did not observe anyone asking Plaintiff to do anything sexual, nor did Plaintiff report to her that anything sexual had occurred, even though Ms. Sjoberg inquired. *Id.* at 85, 87, 113 & 120. Plaintiff disappeared from the Epstein home about June 2001 when attempts to contact her led to a seemingly drugged-out boyfriend who could not explain her whereabouts. *Id.* at 92.
- Despite hundreds of times in the Epstein home, Ms. Sjoberg only saw a few photos of adult women in topless poses in the bathroom of Epstein, there was no child pornography in the homes, and she does not recall any naked photos of Plaintiff. *Id.* at 25, 29, 42, 103-106.
- Ms. Sjoberg observed no orgies or sexual contact occur in the open at Epstein's homes or on his planes. *Id.* at 94, 102.

- Ms. Maxwell asked her if she knew any friends who might be interested in being masseuses, but the one she brought was an adult; Ms. Maxwell never asked for “underage” participants. *Id.* at 141, 152-53.
- Whatever sexual contact occurred between Ms. Sjoberg and Mr. Epstein was between “consenting adults,” as she told the police in 2006, and she only was “expected” to have sexual intercourse in 2005, after she had worked for him for 4 years. *Id.* at 101, 147.
- Ms. Sjoberg respects Ms. Maxwell and is impressed by her talents. *Id.* at 55, 94-95, 97-98, 147 She have a lot of fun the last time they hung out in 2006. *Id.* at 98.

Joe Recarey, the lead investigator of Jeffrey Epstein from the Palm Beach County Police Department, testified at his deposition, that (in contrast to Plaintiff’s claims):

- He and other investigators interviewed approximately 30-33 females in connection with the case and identified approximately 17 victims. Pagliuca Decl., Ex. F at 179, 334.
- Ms. Maxwell was never a suspect in their investigation, was not a target of the grand jury investigation, nothing of Ms. Maxwell’s was seized from the home during execution of the search warrant, and Ms. Maxwell was never observed at the Epstein home during the police surveillance. *Id.* at 177, 211-12, 214-16, 257.
- None of the victims identified Ms. Maxwell as having “recruited” them to come give massages to Epstein. *Id.* at 180-82, 191-93, 195.
- None identified Ms. Maxwell as even being at the house when they were there, or paying them, or instructing them on what to wear or how to act, or ever of having spoken to them. *Id.*
- None were ever sexually trafficked to other men; Jeffrey Epstein was the only person with whom they had any sexual contact. *Id.* at 300-301.
- None were ever asked to spend the night with Epstein, or travel with them. *Id.*
- He did not observe any child pornography or any photos of naked women in the home when he went to help install cameras to catch a thief in Mr. Epstein’s home in 2002 (who turned out to be butler Juan Alessi). *Id.* at 288-90.

Juan Alessi. He served as the butler for approximately 10 year period at Mr. Epstein’s home in Palm Beach. He testified that:

- The majority of masseuses that came to the house were over the age of 20. Pagliuca Decl., Ex. G at 200.
- Mr. Epstein and Ms. Maxwell found the massage therapists from the high-end spas nearby, including the Breakers, Boca Raton and Mar-a-Lago, as Mr. Alessi confirmed when he called them at their jobs to arrange home visits. *Id.* at 187-88.
- The massage therapists were paid by check. *Id.* at 166.
- Plaintiff was working at one of these spas when she was hired, wearing an old-fashioned nurse's type uniform. *Id.* at 174.
- Contrary to Plaintiff's main story, she did not go upstairs with Mr. Epstein the first time she came over and he did not drive her home. *Id.* at 192.

Tony Figueroa – Plaintiff's live-in boyfriend during the time that she worked for Mr.

Epstein, testified that:

- He and Plaintiff used a substantial quantity of drugs during this time period which affected both of their memories. Pagliuca Decl., Ex. H at 129-32 (describing their daily use of "weed," their joint regular use of "Xanax," as well as use of cocaine, Xanax, Ecstasy and acid).
- Jeffrey Epstein is the one who called him and asked him to bring other females to give massages. *Id.* at 104-107. In particular, Mr. Figueroa *denied* that Ms. Maxwell ever asked him to bring a girl to Jeffrey:

Q: Did Jeffrey call you directly about getting more girls?

A: Yes.

Q: On the phone?

A: uh-huh (affirmative)

Q: What did he say?

A: He was just asking me if I had any other girls that wanted to come work...

Q: And did he pay – he paid you personally?

A: Yeah. He handed me \$200 for every girl that I walked in that door, whether they did stuff with him or not.

Q: In cash?

A: Cash.

Q: Did you ever get paid by Ms. Maxwell for that?

A: No.

Q: Did you ever bring a girl to Ms. Maxwell?

A: No.

Q: Did Ms. Maxwell ever call you and ask you to bring a girl to her?

A: No.

Q: Did Ms. Maxwell ever call you and ask you to bring a girl to Jeffrey?

A: No.

Id. at 106-07.

- He did not have any discussions with these females (who were adult) about what was entailed with the job other than massages. *Id. at 104-105.*
- Later in his testimony, upon leading questions from Mr. Edwards, Mr. Figueroa committed a complete about-face:

Q: Would Ghislaine Maxwell call you?

A: I think she might have actually called me once or twice. I'm not positive, but I'm pretty sure she did....

Q: ...What did you say? What did she say?

A: She would just ask me if I had anybody lined up, so.....for Jeffrey.

- Mr. Figueroa testified that he was arrested for grand theft the same night that he dropped Plaintiff off to go to Thailand, he served time, and only recently had his rights restored. *Id. at 67-69.*

Rinaldo Rizzo. Mr. Rizzo was a butler for Mr. Glenn and Dr. Eva Dubin at their home in upstate New York. In addition to his history of litigation against the Dubins and his admitted hope to receive compensation from his testimony, his deposition is so palpably incredible as to be potentially sanctionable. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Pagliuca Decl., Ex. I at 11. In any event, none of Mr. Rizzo's testimony related to Ms. Maxwell's participation in massages, sex with underage minors, or sex with adults, and thus is further irrelevant to the issues presented by the Motion.

CONCLUSION

Because Ms. Maxwell fully answered all questions within the Court's Order (and many that were not) at her continued deposition, she respectfully requests the Court deny Plaintiff's

Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions
Filed Under Seal. Further, because Plaintiff brought this Motion without a valid basis to assert that she refused to answer any question that was (a) within this Court's Order and (b) not already responded to either at her first deposition or during this deposition, Ms. Maxwell requests that the fees and costs associated with defending this Motion be imposed on Plaintiff, her counsel or both.

Respectfully submitted,

/s/ Jeffrey S. Pagliuca

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CERTIFICATE OF SERVICE

I certify that on August 8, 2016, I electronically served *Response in Opposition to Plaintiff's Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions Filed Under Seal* via ECF on the following:

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EXHIBIT A

GIUFFRE

VS.

MAXWELL

Deposition

VIRGINIA GIUFFRE

05/03/2016

Agren Blando Court Reporting & Video, Inc.

216 16th Street, Suite 600

Denver Colorado, 80202

303-296-0017

1 **January 19th, 2015?**
 2 A At the very top of the page it says
 3 January 21st, 2015.
 4 **Q The date it was filed. Is there a date**
 5 **just above the signature block?**
 6 A Oh, yes, sorry. Yes, there is.
 7 **Q And what date -- what date was that?**
 8 A The 19th day of January, 2015.
 9 **Q Okay. And this document is something that**
 10 **you believe contains the truth, correct?**
 11 A To the best of my knowledge at the time,
 12 yes.
 13 **Q All right. Did something change between**
 14 **the time then and today that makes you believe that**
 15 **it's not all accurate?**
 16 A Well, as you can see, in line 4 on page 1,
 17 I wasn't aware of my dates. I was just doing the
 18 best to guesstimate when I actually met them.
 19 Since then I've been able to find out that
 20 through my Mar-a-Lago records that it was actually
 21 the summer of 2000, not the summer of 1999.
 22 **Q Oh, I'm sorry. Are you back on page 1?**
 23 A On the first page.
 24 **Q Okay.**
 25 A Yes.

1 **Q And you're talking about line 4?**
 2 A Line 4.
 3 **Q Paragraph 4 or line 4?**
 4 A Oh, sorry. Number 4, the paragraph
 5 number 4.
 6 **Q Okay. And what part of paragraph 4 do you**
 7 **now believe to be untrue?**
 8 A In approximately --
 9 MR. EDWARDS: Object to the form.
 10 You can answer.
 11 A In approximately 1999 when I was 15 years
 12 old I met Ghislaine Maxwell.
 13 **Q (BY MS. MENNINGER) Okay.**
 14 A I now know that it was 2000, that I was 16
 15 years old when I met Ghislaine Maxwell.
 16 **Q So when you signed this document under**
 17 **penalty of perjury stating that it was true, you no**
 18 **longer believe that to be true, correct?**
 19 A It was an honest mistake. We had no idea
 20 how to pinpoint without any kind of records or dates
 21 or anything like that. I was just going back
 22 chronologically through time. And that's the best
 23 time that I thought it was. And now I know the
 24 facts, so it's good to know.
 25 **Q So you now believe that a document you**

1 **filed under oath is no longer true, correct?**
 2 MR. EDWARDS: Object to the form.
 3 A I wouldn't say that it wasn't true. I was
 4 just unaware of the times and the dates.
 5 **Q (BY MS. MENNINGER) Again, is there more**
 6 **than one truth, Ms. Roberts?**
 7 A No, there's no more than one truth.
 8 **Q All right. So a document in which you**
 9 **swore that you were 15 years old when you met**
 10 **Ms. Ghislaine Maxwell is an untrue statement,**
 11 **correct?**
 12 MR. EDWARDS: Object to the form.
 13 A It's not that it's an untrue statement.
 14 It was a mistake. So it wasn't intentionally trying
 15 to say something that wasn't true. It was to my best
 16 knowledge that I thought it was 1999. And when I got
 17 my records from Mar-a-Lago I was able to find out
 18 that it was 2000. And this was entered before I
 19 found out the actual dates that I did work at
 20 Mar-a-Lago.
 21 **Q (BY MS. MENNINGER) Okay. So a document**
 22 **that you filed under oath --**
 23 A Um-hum.
 24 **Q -- is now, you believe to be untrue,**
 25 **correct?**

1 MR. EDWARDS: Objection. Asked and
 2 answered.
 3 **Q (BY MS. MENNINGER) You may answer.**
 4 MR. EDWARDS: Answer again.
 5 A Again, I wouldn't say it's untrue. Untrue
 6 would mean that I would have lied. And I didn't lie.
 7 This was my best knowledge at the time. And I did my
 8 very best to try to pinpoint time periods going back
 9 such a long time ago.
 10 It wasn't until I found the facts that I
 11 worked at Mar-a-Lago in 2000 that I was able to
 12 figure that out.
 13 **Q (BY MS. MENNINGER) And approximately when**
 14 **did you learn those facts about the dates you worked**
 15 **at Mar-a-Lago?**
 16 A I would say it was mid-2015.
 17 **Q Mid-2015 is the first time you became**
 18 **aware of the dates --**
 19 A I don't know the exact --
 20 **Q If you could just let me finish.**
 21 A I'm sorry.
 22 **Q That's all right. Approximately mid-2015**
 23 **when you learned the true dates that you had worked**
 24 **at Mar-a-Lago?**
 25 A That's correct. Sorry.

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1 please.

2 **Q (BY MS. MENNINGER) Do you recall seeing a**

3 **press article in which Sharon Churcher reported that**

4 **you were on a helicopter with Bill Clinton and**

5 **Ghislaine Maxwell as the pilot?**

6 MR. EDWARDS: Again, I'll let you answer

7 the question once she's looking at the document that

8 you're being asked about.

9 MS. MENNINGER: You're not letting her

10 answer a question about whether she recalls a

11 particular press statement?

12 MR. EDWARDS: I will let her answer every

13 question about the press statement as long as she

14 sees the press statement. I'm okay with that. She

15 can answer all of them.

16 MS. MENNINGER: No, there is a rule of

17 civil procedure that allows you to direct a witness

18 not to answer a question when there's a claim of

19 privilege.

20 What privilege are you claiming to direct

21 her not to answer this question?

22 MR. EDWARDS: I thought that you wanted

23 accurate answers from this witness. If the --

24 MS. MENNINGER: I asked her if she

25 recalled something --

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1 MR. EDWARDS: If the sole purpose is to

2 just to harass her --

3 MS. MENNINGER: I asked her if she

4 recalled something --

5 MR. EDWARDS: Then that's just not going

6 to be what's happening today.

7 **Q (BY MS. MENNINGER) All right. So you're**

8 **refusing to answer a question about whether you**

9 **recall a particular press statement --**

10 MR. EDWARDS: She's --

11 **Q (BY MS. MENNINGER) -- is that true?**

12 MR. EDWARDS: She is not refusing to

13 answer any questions. She --

14 A I'm not refusing to answer. I just want

15 to see the article you're talking about so I can be

16 clear in my statement.

17 **Q (BY MS. MENNINGER) Do you recall seeing a**

18 **press article written by Sharon Churcher reporting**

19 **that you flew on a helicopter with Bill Clinton and**

20 **Ghislaine Maxwell as the pilot?**

21 A No, I do not recall reading a press

22 article saying that I was on a helicopter with Bill

23 Clinton as Ghislaine is the pilot.

24 **Q Do you recall telling Sharon Churcher that**

25 **you had conversations with Bill Clinton regarding him**

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1 **flying on a helicopter with Ghislaine Maxwell?**

2 A I believe that it was taken out of

3 context. Ghislaine told me that she flew Bill

4 Clinton in. And Ghislaine likes to talk a lot of

5 stuff that sounds fantastical. And whether it's true

6 or not, that is what I do recall telling Sharon

7 Churcher.

8 **Q So you told Sharon Churcher that Ghislaine**

9 **Maxwell is the one who told you that she flew Bill**

10 **Clinton in the helicopter?**

11 A I told Sharon Churcher that Ghislaine flew

12 Bill Clinton onto the island, based upon what

13 Ghislaine had told me.

14 **Q Not based upon what Bill Clinton had told**

15 **you, correct?**

16 A Correct.

17 **Q Did you ever ask Sharon Churcher to**

18 **correct anything that was printed under her name,**

19 **concerning your stories to Sharon Churcher?**

20 A I wasn't given those stories to read

21 before they were printed.

22 **Q After they were printed did you read them?**

23 A I tried to stay away from them. They were

24 very hard. You have to understand it was a very hard

25 time for me and my husband to have to have this

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1 public -- we didn't think it was going to be this

2 publicly announced and that big. So we turned off

3 the news and we stopped reading so many things.

4 **Q You didn't read the articles about your**

5 **stories to Sharon Churcher --**

6 A I've read some articles --

7 **Q Let me just finish. You did not read the**

8 **articles published by Sharon Churcher about your**

9 **stories to Sharon Churcher?**

10 A I have read some articles about what

11 Sharon Churcher wrote. And a lot of the stuff that

12 she writes she takes things from my own mouth and

13 changes them into her own words as journalists do.

14 And I never came back to her and told her

15 to correct anything. What was done was done. There

16 was nothing else I can do.

17 **Q So even if she printed something that were**

18 **untrue you didn't ask her to correct it, correct?**

19 A There was things that she printed that

20 really pissed me off, but there was nothing I could

21 do about it. It's already out there.

22 **Q She printed things that were untrue,**

23 **correct?**

24 MR. EDWARDS: Objection to the form.

25 Mischaracterization.

1 A I wouldn't say that they were untrue. I
2 would just say that she printed them as journalists
3 take your words and turn them into something else.

4 **Q (BY MS. MENNINGER) She got it wrong?**

5 MR. EDWARDS: Object to the form.
6 Mischaracterization.

7 A In some ways, yes.

8 **Q (BY MS. MENNINGER) Did she print things
9 in her articles that you did not say to her?**

10 MR. EDWARDS: I object and ask that the
11 witness be given the opportunity to see the document
12 so that she can review it and answer that question
13 accurately. Otherwise she's unable to answer the
14 question. I'm not going to allow her to answer.

15 MS. MENNINGER: You know the civil rules
16 tell you not to suggest answers to your client.

17 **Q (BY MS. MENNINGER) And you understand
18 your lawyer is now directing you to not all of a
19 sudden remember what your answer is. That's what
20 he's suggesting that you say. So you're not supposed
21 to listen to him suggest that to you. You're
22 supposed to tell me from your memory.**

23 MR. EDWARDS: That is not what I'm --

24 **Q (BY MS. MENNINGER) Did you --**

25 MR. EDWARDS: That's not what I'm doing.

1 You don't get to just talk over me and
2 tell my client when not to listen to me. All you
3 have to do to get answers is show her the document
4 you're talking about, and I'll let her answer every
5 question. I don't know why we're so scared of the
6 actual documents.

7 MS. MENNINGER: I don't know why you're
8 scared of your client's recollection, Mr. Edwards.
9 But anyway --

10 MR. EDWARDS: Why would you do this to
11 her?

12 **Q (BY MS. MENNINGER) Did Sharon Churcher
13 print things that you did not say?**

14 MR. EDWARDS: I'm going to instruct my
15 client not to answer unless you give her what it is
16 that you're talking about that was printed. And she
17 will tell you the answer, the accurate answer to your
18 question. Just without the document to refresh her
19 recollection and see it, she's not going to answer
20 the question.

21 **Q (BY MS. MENNINGER) Did Sharon Churcher
22 print things that you did not say?**

23 MR. EDWARDS: Same objection. Same
24 instruction not to answer.

25 I think I've made a very clear record as

1 to why I want my client to answer all of these
2 questions, but I want her to have the fair
3 opportunity to see this document.

4 **Q (BY MS. MENNINGER) Did Sharon Churcher
5 print things that you felt were inaccurate?**

6 MR. EDWARDS: Same objection. Same
7 instruction. If she sees the document, she's going
8 to answer every one of these questions.

9 **Q (BY MS. MENNINGER) Did any other reporter
10 print statements that you believe are inaccurate?**

11 MR. EDWARDS: Same objection. Same
12 instruction.

13 **Q (BY MS. MENNINGER) Did any reporter print
14 statements about Ghislaine Maxwell that were
15 inaccurate?**

16 MR. EDWARDS: Same objection. Same
17 instruction.

18 This is harassing. This is harassing a
19 sexual abuse victim. And all I'm asking is for
20 fairness, that we just let her see the document so
21 she can answer this.

22 MS. MENNINGER: Mr. Edwards, please stop
23 saying anything other than an objection, what the
24 basis is, or instructing your client not to answer.

25 MR. EDWARDS: I will do that.

1 MS. MENNINGER: That's what the Federal
2 Rules of Civil Procedure provide.

3 MR. EDWARDS: I hear you. They also
4 provide for fairness and civility. And all I'm
5 asking, very calmly, is for her to see this.

6 MS. MENNINGER: Mr. Edwards, this is not
7 your deposition. I'm asking your client what she
8 remembers. If she doesn't want to talk about what
9 she remembers, then let her not answer. But you
10 cannot instruct her not to answer unless there's a
11 privilege.

12 What privilege --

13 MR. EDWARDS: I am instructing her not to
14 answer.

15 **Q (BY MS. MENNINGER) All right. You are
16 refusing to answer questions about whether statements
17 to the press about Ghislaine Maxwell attributed to
18 you were inaccurate?**

19 MR. EDWARDS: She's not refusing not to
20 answer.

21 A You are refusing to show me these
22 documents so I could answer properly. I would give
23 you an answer if you were to show me some documents.

24 **Q (BY MS. MENNINGER) You can't say without
25 looking at a document whether the press attributed to**

| Page 225 | Page 227 |
|--|--|
| <p>1 you is accurate or inaccurate?</p> <p>2 A Please show me the document.</p> <p>3 Q You can't say from the top of your head</p> <p>4 whether any inaccurate statement has been attributed</p> <p>5 to you in the press?</p> <p>6 A Please show me a document and I will tell</p> <p>7 you.</p> <p>8 Q Are you refusing to answer my questions</p> <p>9 about your knowledge of whether inaccurate statements</p> <p>10 have been attributed to you in the press?</p> <p>11 A Are you refusing to give me the documents</p> <p>12 to look at?</p> <p>13 Q Are you refusing to answer the question?</p> <p>14 A I am refusing to answer the question based</p> <p>15 upon the fact that you are not being fair enough to</p> <p>16 let me see the document in order to give you an</p> <p>17 honest answer.</p> <p>18 Q Ms. Giuffre --</p> <p>19 A Yes.</p> <p>20 Q -- we are talking about press that has</p> <p>21 been published on the Internet, correct?</p> <p>22 A Yes.</p> <p>23 Q Do you have access to the Internet?</p> <p>24 A Yes.</p> <p>25 Q Have you looked on the Internet and read</p> | <p>1 A Single sheets.</p> <p>2 Q And did you write a long document or a</p> <p>3 short document? What was it?</p> <p>4 A I can't recall how long the document was,</p> <p>5 but I would say it would be a few pages.</p> <p>6 Q And other than asking you to write</p> <p>7 whatever you remember about Prince Andrew, did she</p> <p>8 give you any other directions about what you should</p> <p>9 write?</p> <p>10 A She was interested in two things, really.</p> <p>11 How Epstein got away with so many counts of child</p> <p>12 trafficking for sex and how Prince Andrew was</p> <p>13 involved in it. Those were her two main inquiries.</p> <p>14 Q What did she ask you to write?</p> <p>15 A She asked me to write about Prince Andrew.</p> <p>16 Q Did she tell you to put it in your own</p> <p>17 handwriting?</p> <p>18 A No, she just asked me to write down what I</p> <p>19 can remember.</p> <p>20 Q Did you give her everything that you</p> <p>21 wrote?</p> <p>22 A Did I give her the whole entire pages that</p> <p>23 I wrote?</p> <p>24 Q Yes.</p> <p>25 A Yeah, I wrote pages for her specifically.</p> |
| Page 226 | Page 228 |
| <p>1 articles that attribute statements to you about</p> <p>2 Ghislaine Maxwell?</p> <p>3 A Yes.</p> <p>4 Q Do you know any statement that has been</p> <p>5 attributed to you in a press article on the Internet</p> <p>6 about Ghislaine Maxwell that is untrue?</p> <p>7 MR. EDWARDS: Same objection. Same</p> <p>8 instruction.</p> <p>9 A Please show me a specific document.</p> <p>10 Q (BY MS. MENNINGER) Do you know of any</p> <p>11 such statement about Ghislaine Maxwell attributed to</p> <p>12 you by the press that is inaccurate?</p> <p>13 A If you could please show me a specific</p> <p>14 document.</p> <p>15 Q Tell me what Sharon Churcher asked you to</p> <p>16 write for her.</p> <p>17 A Any knowledge that I had about my time</p> <p>18 with Prince Andrew.</p> <p>19 Q And did you write it?</p> <p>20 A Um-hum.</p> <p>21 Q What did you write it in or on?</p> <p>22 A Paper.</p> <p>23 Q What kind of paper?</p> <p>24 A Lined paper.</p> <p>25 Q Was it in a book or single sheets?</p> | <p>1 Q In your own handwriting?</p> <p>2 A In my own handwriting.</p> <p>3 Q And what you wrote, was that true?</p> <p>4 A Yes.</p> <p>5 Q And did you get paid for those pieces of</p> <p>6 paper?</p> <p>7 A Not for the papers, I don't believe.</p> <p>8 Q Okay. Have you gotten paid when they've</p> <p>9 been reprinted?</p> <p>10 A No.</p> <p>11 Q Have you negotiated any deal with Radar</p> <p>12 Online?</p> <p>13 A No.</p> <p>14 Q Have you negotiated any deal with Sharon</p> <p>15 Churcher for the purpose of publishing those pieces</p> <p>16 of paper?</p> <p>17 A Not those pieces of paper.</p> <p>18 Q When did you write those pieces of paper?</p> <p>19 MR. EDWARDS: Object to the form.</p> <p>20 A A week before she came out.</p> <p>21 Q (BY MS. MENNINGER) And when did you give</p> <p>22 them to her?</p> <p>23 A When she came out.</p> <p>24 Q When was that?</p> <p>25 A Sometime, I believe, in early 2011.</p> |

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

VIRGINIA L. GIUFFRE,

Plaintiff,

Case No.:

-against-

15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendants.

- - - - - x

CONFIDENTIAL

Videotaped deposition of GHISLAINE
MAXWELL, taken pursuant to subpoena, was
held at the law offices of BOIES
SCHILLER & FLEXNER, 575 Lexington
Avenue, New York, New York, commencing
April 22, 2016, 9:04 a.m., on the above
date, before Leslie Fagin, a Court
Reporter and Notary Public in the State
of New York.

- - -

MAGNA LEGAL SERVICES
1200 Avenue of the Americas
New York, New York 10026

| | |
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| <p style="text-align: right;">Page 18</p> <p>1 G Maxwell - Confidential</p> <p>2 meet Mr. Epstein?</p> <p>3 MR. PAGLIUCA: Object to the form</p> <p>4 and foundation.</p> <p>5 Q. You can answer.</p> <p>6 A. I just explained.</p> <p>7 A. I spent the entire time talking to</p> <p>8 Virginia's mother outside the house so the</p> <p>9 answer to the question is no.</p> <p>10 Q. No, did you not walk her up and</p> <p>11 introduce her to Mr. Epstein?</p> <p>12 A. I just said no.</p> <p>13 Q. Did you participate in a massage</p> <p>14 this first time when she first came to the</p> <p>15 home and you were speaking with her mother,</p> <p>16 she was in the home, is that correct, you</p> <p>17 brought her into the home?</p> <p>18 MR. PAGLIUCA: Object to the form</p> <p>19 and foundation.</p> <p>20 A. I will repeat again, I was standing</p> <p>21 outside with her mother so very difficult for</p> <p>22 me to do anything else at that time so no, I</p> <p>23 did not take her upstairs.</p> <p>24 Q. Did you participate --</p> <p>25 A. Virginia lied 100 percent about</p> | <p style="text-align: right;">Page 20</p> <p>1 G Maxwell - Confidential</p> <p>2 you not to answer that question. I</p> <p>3 don't have any problem with you asking</p> <p>4 questions about what the subject matter</p> <p>5 of this lawsuit is, which would be, as</p> <p>6 you've termed it, sexual trafficking of</p> <p>7 Ms. Roberts.</p> <p>8 To the extent you are asking for</p> <p>9 information relating to any consensual</p> <p>10 adult interaction between my client and</p> <p>11 Mr. Epstein, I'm going to instruct her</p> <p>12 not to answer because it's not part of</p> <p>13 this litigation and it is her private</p> <p>14 confidential information, not subject to</p> <p>15 this deposition.</p> <p>16 MS. McCAWLEY: You can instruct her</p> <p>17 not to answer. That is your right. But</p> <p>18 I will bring her back for another</p> <p>19 deposition because it is part of the</p> <p>20 subject matter of this litigation so she</p> <p>21 should be answering these questions.</p> <p>22 This is civil litigation, deposition and</p> <p>23 she should be responsible for answering</p> <p>24 these questions.</p> <p>25 MR. PAGLIUCA: I disagree and you</p> |
| <p style="text-align: right;">Page 19</p> <p>1 G Maxwell - Confidential</p> <p>2 absolutely everything that took place in that</p> <p>3 first meeting. She has lied repeatedly,</p> <p>4 often and is just an awful fantasist. So</p> <p>5 very difficult for anything to take place</p> <p>6 that she repeated because I was with her</p> <p>7 mother the entire time.</p> <p>8 Q. So did you have -- did you give a</p> <p>9 massage with Virginia Roberts and Mr. Epstein</p> <p>10 during the first time Virginia Roberts was at</p> <p>11 the West Palm Beach house?</p> <p>12 MR. PAGLIUCA: Object to the form</p> <p>13 and foundation.</p> <p>14 Q. Yes or no?</p> <p>15 A. No.</p> <p>16 Q. Have you ever given a massage with</p> <p>17 Virginia Roberts in the room and Jeffrey</p> <p>18 Epstein?</p> <p>19 MR. PAGLIUCA: Object to the form</p> <p>20 and foundation.</p> <p>21 A. No.</p> <p>22 Q. Have you ever given Jeffrey Epstein</p> <p>23 a massage?</p> <p>24 MR. PAGLIUCA: Object to the form,</p> <p>25 foundation. And I'm going to instruct</p> | <p style="text-align: right;">Page 21</p> <p>1 G Maxwell - Confidential</p> <p>2 understand the bounds that I put on it.</p> <p>3 MS. McCAWLEY: No, I don't. I will</p> <p>4 continue to ask my questions and you can</p> <p>5 continue to make your objections.</p> <p>6 Q. Did you ever participate from the</p> <p>7 time period of 1992 to 2009, did you ever</p> <p>8 participate in a massage with Jeffrey Epstein</p> <p>9 and another female?</p> <p>10 MR. PAGLIUCA: Objection. Do not</p> <p>11 answer that question. Again, to the</p> <p>12 extent you are asking for some sort of</p> <p>13 illegal activity as you've construed in</p> <p>14 connection with this case I don't have</p> <p>15 any problem with you asking that</p> <p>16 question. To the extent these questions</p> <p>17 involve consensual acts between adults,</p> <p>18 frankly, they're none of your business</p> <p>19 and I will instruct the witness not to</p> <p>20 answer.</p> <p>21 MS. McCAWLEY: This case involves</p> <p>22 sexual trafficking, sexual abuse,</p> <p>23 questions about her having interactions</p> <p>24 with other females is relevant to this</p> <p>25 case. She needs to answer these</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 G Maxwell - Confidential</p> <p>2 questions.</p> <p>3 MR. PAGLIUCA: I'm instructing her</p> <p>4 not to answer.</p> <p>5 MS. McCAWLEY: Then we will be back</p> <p>6 here again.</p> <p>7 Q. Have you ever given a massage to</p> <p>8 Mr. Epstein with a female that was under the</p> <p>9 age of 18?</p> <p>10 A. Can you repeat the question?</p> <p>11 Q. Yes. Have you ever given a massage</p> <p>12 to Mr. Epstein with a female that was under</p> <p>13 the age of 18?</p> <p>14 A. No.</p> <p>15 Q. Have you ever observed Mr. Epstein</p> <p>16 having a massage given by an individual, a</p> <p>17 female, who was under the age of 18?</p> <p>18 A. No.</p> <p>19 Q. Have you ever observed females</p> <p>20 under the age of 18 in the presence of</p> <p>21 Jeffrey Epstein at his home?</p> <p>22 MR. PAGLIUCA: Object to the form</p> <p>23 and foundation.</p> <p>24 A. Again, I have friends that have</p> <p>25 children --</p> | <p style="text-align: right;">Page 24</p> <p>1 G Maxwell - Confidential</p> <p>2 MR. PAGLIUCA: Object to the form</p> <p>3 and foundation.</p> <p>4 A. How would I possibly know how</p> <p>5 someone is when they are at his house. You</p> <p>6 are asking me to do that. I cannot possibly</p> <p>7 testify to that. As far as I'm concerned,</p> <p>8 everyone who came to his house was an adult</p> <p>9 professional person.</p> <p>10 Q. Are you familiar with the police</p> <p>11 report that was issued in respect to the</p> <p>12 investigation in this matter?</p> <p>13 MR. PAGLIUCA: Object to the form</p> <p>14 and foundation.</p> <p>15 Q. Are you familiar with the police</p> <p>16 report that was used in this matter, the</p> <p>17 investigation of Jeffrey Epstein, has been</p> <p>18 produced as a document in this matter?</p> <p>19 A. I have seen a police report.</p> <p>20 (Maxwell Exhibit 1, police report,</p> <p>21 marked for identification.)</p> <p>22 Q. The police report that you have in</p> <p>23 front of you, can you turn to page 28 of that</p> <p>24 report, the numbers are on the top right-hand</p> <p>25 corner.</p> |
| <p style="text-align: right;">Page 23</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. I'm not talking about friends. I'm</p> <p>3 talking about individuals --</p> <p>4 MR. PAGLIUCA: I'm going to object</p> <p>5 to you interrupting the witness who was</p> <p>6 answering your question. The question</p> <p>7 was, have you ever seen anyone, female</p> <p>8 under the age of 18 at the house and</p> <p>9 that's the question she was answering.</p> <p>10 If you want to strike that question and</p> <p>11 ask another question, feel free, but let</p> <p>12 the witness respond, please.</p> <p>13 MS. McCAWLEY: I will do that.</p> <p>14 Q. Have you ever observed a female</p> <p>15 under the age of 18 at Jeffrey Epstein's home</p> <p>16 that was not a friend, a child -- one of your</p> <p>17 friend's children?</p> <p>18 A. Again, I can't testify to that</p> <p>19 because I have no idea what you are talking</p> <p>20 about.</p> <p>21 Q. You have no idea what I'm talking</p> <p>22 about in the sense you never observed a</p> <p>23 female under the age of 18 at Jeffrey</p> <p>24 Epstein's home that was not one of your</p> <p>25 friend's children, is that correct?</p> | <p style="text-align: right;">Page 25</p> <p>1 G Maxwell - Confidential</p> <p>2 You will see some redactions in</p> <p>3 this report, Ms. Maxwell, the redacted</p> <p>4 information is redacted because it reveals</p> <p>5 the name of a minor, someone who is under the</p> <p>6 age of 18.</p> <p>7 On page 28, in the third paragraph,</p> <p>8 about halfway down, it says, Roberts stated</p> <p>9 she performed the massage naked. At the</p> <p>10 conclusion of this massage, Epstein paid</p> <p>11 RobSON \$200 for the massage. He explained, I</p> <p>12 know you are not comfortable put I will pay</p> <p>13 you if you bring some girls. He told her the</p> <p>14 younger the better. Robson stated once tried</p> <p>15 to bring a 23 year old to Epstein and he</p> <p>16 stated the female was too old.</p> <p>17 Have you heard Mr. Epstein use the</p> <p>18 phrase the younger the better?</p> <p>19 A. I have no recollection of hearing</p> <p>20 that.</p> <p>21 Q. Have you used the phrase in talking</p> <p>22 to Ms. Roberts and asking her to recruit</p> <p>23 females for Mr. Epstein, the younger the</p> <p>24 better?</p> <p>25 MR. PAGLIUCA: Object to the form</p> |

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1 G Maxwell - Confidential
 2 Q. Was she under 18 when you first met
 3 her?
 4 A. I have no idea how old she was when
 5 I first met her.
 6 Q. Did she look like a child when you
 7 first met her?
 8 A. I don't remember what she looked
 9 like at the time she was in the house.
 10 Q. How many years have you known her?
 11 A. I can only recall the last time I
 12 saw her.
 13 Q. When was the first time you met
 14 her?
 15 A. Again, I just told you, I don't
 16 recall the first time I met her.
 17 Q. Did [REDACTED] travel with you
 18 on Jeffrey's planes?
 19 A. I wouldn't remember if [REDACTED] was on
 20 the plane or not.
 21 Q. Did you ever have sex with [REDACTED]
 22 [REDACTED]?
 23 A. No.
 24 Q. Did you ever observe Jeffrey having
 25 sex with [REDACTED]?

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1 G Maxwell - Confidential
 2 A. No.
 3 Q. Were you aware that Jeffrey was
 4 having sexual contact with [REDACTED] when
 5 she was 13 years old?
 6 MR. PAGLIUCA: Object to the form
 7 and foundation.
 8 A. I would be very shocked and
 9 surprised if that were true.
 10 Q. Were you in the house when [REDACTED]
 11 [REDACTED] was in the house in a private area
 12 with Jeffrey Epstein?
 13 MR. PAGLIUCA: Object to the form
 14 and foundation.
 15 A. Can you repeat the question.
 16 Q. Were you ever in the Palm Beach
 17 house when Jeffrey Epstein was in the house
 18 with [REDACTED]?
 19 MR. PAGLIUCA: Object to the form
 20 and foundation.
 21 A. I've already testified that I have
 22 met her and that she was there [REDACTED]
 23 [REDACTED] I don't understand what your
 24 question is asking.
 25 Q. So you have never seen [REDACTED]

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1 G Maxwell - Confidential
 2 [REDACTED]?
 3 MR. PAGLIUCA: Object to the form
 4 and foundation.
 5 Q. Is that your testimony?
 6 A. I already said I don't recall all
 7 the times I've seen her and I have no memory
 8 of that.
 9 Q. Have you ever seen [REDACTED] in
 10 the house with Jeffrey Epstein [REDACTED]
 11 [REDACTED]
 12 MR. PAGLIUCA: Object to the form
 13 and foundation.
 14 A. I just told you I don't recall
 15 seeing [REDACTED].
 16 Q. Were you ever involved in an orgy
 17 with [REDACTED]?
 18 A. No, absolutely not.
 19 Q. Can you tell me, do you know an
 20 individual by the name of Nadia Marcinkova?
 21 A. I do.
 22 Q. How did you meet Nadia Marcinkova?
 23 A. At some point she was a friend of
 24 Jeffrey's and I recall meeting her at some
 25 point.

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1 G Maxwell - Confidential
 2 Q. Did you hire her?
 3 A. First of all, I don't hire girls
 4 like that, so let's be clear, I already
 5 testified to that, and I have no idea what
 6 you are referring to.
 7 Q. When you say girls like that, what
 8 do you mean?
 9 A. I hire people who are professional
 10 at the house. You are asking if I hired
 11 somebody to do what, I don't know what you
 12 are talking about. I hired people to work in
 13 the homes.
 14 Q. What was Nadia Marcinkova doing?
 15 MR. PAGLIUCA: Object to the form
 16 and foundation.
 17 A. I have no idea what Nadia
 18 Marcinkova was doing. I didn't hire her and
 19 I don't know what you are referring to.
 20 Q. You met Nadia Marcinkova?
 21 A. I testified I did.
 22 Q. Did she work for Jeffrey Epstein?
 23 A. I have no idea what she did.
 24 Q. Have you flown on planes with Nadia
 25 Marcinkova?

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| <p style="text-align: right;">Page 46</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. Did Jeffrey arrange for a visa for</p> <p>3 Nadia Marcinkova?</p> <p>4 A. I don't know what Jeffrey did. I</p> <p>5 cannot testify what Jeffrey did.</p> <p>6 Q. Was Nadia involved in sex with</p> <p>7 Jeffrey and other girls?</p> <p>8 MR. PAGLIUCA: Object to the form</p> <p>9 and foundation.</p> <p>10 Q. Girls under the age of 18?</p> <p>11 MR. PAGLIUCA: Same objection.</p> <p>12 A. I have no idea.</p> <p>13 Q. Was Nadia involved with sex with</p> <p>14 Jeffrey and girls over the age of 18?</p> <p>15 MR. PAGLIUCA: Same objection.</p> <p>16 A. I have no idea.</p> <p>17 Q. Did Nadia recruit other girls for</p> <p>18 sex with Jeffrey?</p> <p>19 MR. PAGLIUCA: Object to the form</p> <p>20 and foundation.</p> <p>21 A. I have no idea.</p> <p>22 Q. Do you still talk to Nadia?</p> <p>23 A. No.</p> <p>24 Q. Is she a pilot?</p> <p>25 A. I have no idea.</p> | <p style="text-align: right;">Page 48</p> <p>1 G Maxwell - Confidential</p> <p>2 Jeffrey?</p> <p>3 MR. PAGLIUCA: Object to the form</p> <p>4 and foundation.</p> <p>5 A. I don't know exactly the nature of</p> <p>6 her relationship but she worked for him.</p> <p>7 Q. What did she do?</p> <p>8 MR. PAGLIUCA: Object to the form</p> <p>9 and foundation.</p> <p>10 A. At the time she when was with him I</p> <p>11 believe she traveled with him and helped with</p> <p>12 his travel arrangements.</p> <p>13 Q. Did she bring girls to the house to</p> <p>14 give massages to Jeffrey?</p> <p>15 MR. PAGLIUCA: Object to the form</p> <p>16 and foundation.</p> <p>17 A. I don't know what Sarah did.</p> <p>18 Q. So you never observed Sarah</p> <p>19 bringing girls to the home to give massages</p> <p>20 to Jeffrey?</p> <p>21 MR. PAGLIUCA: Object to the form</p> <p>22 and foundation.</p> <p>23 A. I don't understand the question,</p> <p>24 what did you mean bring?</p> <p>25 Q. Did you ever observe Sarah</p> |
| <p style="text-align: right;">Page 47</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. Does she fly with Larry Veseski</p> <p>3 (phonetic), one of Jeffrey's pilots?</p> <p>4 A. I have no idea.</p> <p>5 Q. Are you a pilot?</p> <p>6 A. I am.</p> <p>7 Q. Have you flown with Jeffrey Veseki?</p> <p>8 A. I have.</p> <p>9 Q. Have you flown with Nadia</p> <p>10 Marcinkova?</p> <p>11 A. What do you mean by flown?</p> <p>12 Q. Have you been on planes with her?</p> <p>13 A. I already testified I don't recall</p> <p>14 having her on a plane with me.</p> <p>15 Q. Do you know Sarah Kellen?</p> <p>16 A. I do.</p> <p>17 Q. When did you first meet her?</p> <p>18 A. I don't recall exact dates.</p> <p>19 Q. Did you meet her with the purpose</p> <p>20 of hiring her to work for Jeffrey or having</p> <p>21 Jeffrey hire her?</p> <p>22 MR. PAGLIUCA: Object to the form</p> <p>23 and foundation.</p> <p>24 A. No.</p> <p>25 Q. What was her relationship with</p> | <p style="text-align: right;">Page 49</p> <p>1 G Maxwell - Confidential</p> <p>2 inviting, bringing, walking anyone into the</p> <p>3 home to give a massage for Jeffrey?</p> <p>4 MR. PAGLIUCA: Object to the form</p> <p>5 and foundation.</p> <p>6 A. I don't recollect anything like</p> <p>7 that.</p> <p>8 Q. Are you aware that Sarah Kellen was</p> <p>9 a co-conspirator, named as a co-conspirator</p> <p>10 in the case involving Jeffrey Epstein?</p> <p>11 MR. PAGLIUCA: Object to the form</p> <p>12 and foundation and also calls for a</p> <p>13 legal conclusion.</p> <p>14 MS. McCAWLEY I'm just asking if she</p> <p>15 is aware of that.</p> <p>16 A. I am aware.</p> <p>17 Q. Who paid Sarah Kellen?</p> <p>18 A. I have no idea.</p> <p>19 Q. Did you ever arrange payment for</p> <p>20 any of the employees at the home?</p> <p>21 MR. PAGLIUCA: Object to the form.</p> <p>22 A. What do you mean by arrange?</p> <p>23 Q. Were you ever in charge or</p> <p>24 responsible for paying individuals at the</p> <p>25 home, that worked there?</p> |

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| <p style="text-align: right;">Page 54</p> <p>1 G Maxwell - Confidential</p> <p>2 A. I have.</p> <p>3 Q. No, you haven't.</p> <p>4 A. Yes, I have.</p> <p>5 Q. You are refusing to answer the</p> <p>6 question.</p> <p>7 A. Let's move on.</p> <p>8 Q. I'm in charge of the deposition. I</p> <p>9 say when we move on and when we don't.</p> <p>10 You are here to respond to my</p> <p>11 questions. If you are refusing to answer the</p> <p>12 court will bring you back for another</p> <p>13 deposition to answer these questions.</p> <p>14 Do you understand that?</p> <p>15 MR. PAGLIUCA: You don't need to</p> <p>16 threaten the witness.</p> <p>17 MS. McCAWLEY: I'm not threatening</p> <p>18 her. I'm making sure the record is</p> <p>19 clear.</p> <p>20 MR. PAGLIUCA: Certainly can you</p> <p>21 apply to have someone come back and the</p> <p>22 court may or may not have her come back</p> <p>23 again.</p> <p>24 Again, she is not answering</p> <p>25 questions that relate to adult consent</p> | <p style="text-align: right;">Page 56</p> <p>1 G Maxwell - Confidential</p> <p>2 sexual acts on her?</p> <p>3 MR. PAGLIUCA: Object to the form</p> <p>4 and foundation.</p> <p>5 A. I have not heard that.</p> <p>6 Q. How do you know Annie Farmer?</p> <p>7 A. Annie Farmer had a sister and her</p> <p>8 sister introduced Annie Farmer, I believe, to</p> <p>9 Jeffrey.</p> <p>10 Q. Was Annie Farmer under the age of</p> <p>11 18?</p> <p>12 MR. PAGLIUCA: Object to the form</p> <p>13 and foundation.</p> <p>14 A. I don't recall how old Annie Farmer</p> <p>15 was.</p> <p>16 Q. Did she tell police that Jeffrey</p> <p>17 Epstein assaulted her sexually?</p> <p>18 MR. PAGLIUCA: Object to the form</p> <p>19 and foundation.</p> <p>20 A. I never heard that.</p> <p>21 Q. Did Sarah Kellen recruit or bring</p> <p>22 girls to the home that were under the age of</p> <p>23 18?</p> <p>24 MR. PAGLIUCA: Object to the form</p> <p>25 and foundation and I think this has been</p> |
| <p style="text-align: right;">Page 55</p> <p>1 G Maxwell - Confidential</p> <p>2 sex acts. Period. And that's the</p> <p>3 instruction and we can take it up with</p> <p>4 the court.</p> <p>5 Q. Ms. Maxwell, are you aware of any</p> <p>6 sexual acts with masseuses and Jeffrey</p> <p>7 Epstein that were nonconsensual?</p> <p>8 A. No.</p> <p>9 Q. How do you know that?</p> <p>10 A. All the time that I have been in</p> <p>11 the house I have never seen, heard, nor</p> <p>12 witnessed, nor have reported to me that any</p> <p>13 activities took place, that people were in</p> <p>14 distress, either reported to me by the staff</p> <p>15 or anyone else. I base my answer based on</p> <p>16 that.</p> <p>17 Q. Are you familiar with a person by</p> <p>18 the name of Annie Farmer?</p> <p>19 A. I am.</p> <p>20 Q. Has Annie Farmer given a statement</p> <p>21 to police about you performing sexual acts on</p> <p>22 her?</p> <p>23 A. I have not heard that.</p> <p>24 Q. Has Annie Farmer given a statement</p> <p>25 to police about Jeffrey Epstein performing</p> | <p style="text-align: right;">Page 57</p> <p>1 G Maxwell - Confidential</p> <p>2 asked and answered already.</p> <p>3 Q. You can answer the question.</p> <p>4 A. I have no idea what Sarah Kellen</p> <p>5 did.</p> <p>6 Q. You never observed Sarah Kellen</p> <p>7 with girls under the age of 18 at Jeffrey's</p> <p>8 home?</p> <p>9 MR. PAGLIUCA: Object to the form</p> <p>10 and foundation.</p> <p>11 A. The answer is no, I have no idea.</p> <p>12 Q. Do you know Glenn Dubin?</p> <p>13 A. I do.</p> <p>14 Q. What is your relationship with</p> <p>15 Glenn Dubin?</p> <p>16 MR. PAGLIUCA: Object to the form.</p> <p>17 A. What do you mean what is my</p> <p>18 relationship.</p> <p>19 Q. Are you friendly with him, how do</p> <p>20 you know him?</p> <p>21 A. He is the husband of Eva Dubin.</p> <p>22 Q. Is Eva Dubin one of your friends?</p> <p>23 A. Yes.</p> <p>24 Q. Did you ever send Virginia to</p> <p>25 Glenn's condo at the Breakers to give him a</p> |

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| <p>1 G Maxwell - Confidential</p> <p>2 massage?</p> <p>3 MR. PAGLIUCA: Objection to the</p> <p>4 form and foundation.</p> <p>5 A. No.</p> <p>6 Q. Did you ever instruct Virginia</p> <p>7 Roberts to have sex with Glenn?</p> <p>8 MR. PAGLIUCA: Objection to the</p> <p>9 form and foundation.</p> <p>10 A. I have never instructed Virginia to</p> <p>11 have sex with anybody ever.</p> <p>12 Q. How old was Eva Anderson when she</p> <p>13 met Jeffrey?</p> <p>14 MR. PAGLIUCA: Objection to the</p> <p>15 form and foundation.</p> <p>16 A. I have no idea.</p> <p>17 Q. What's she under the age of 18?</p> <p>18 MR. PAGLIUCA: Objection to the</p> <p>19 form and foundation.</p> <p>20 A. I just testified I have idea how</p> <p>21 old she was.</p> <p>22 Q. You testified she was your friend.</p> <p>23 You don't know how old she was when she met</p> <p>24 Jeffrey?</p> <p>25 A. That happened sometime in the '70s,</p> | <p>1 G Maxwell - Confidential</p> <p>2 A. She was tasked to answer</p> <p>3 telephones.</p> <p>4 Q. Did you ever ask her to rub</p> <p>5 Jeffrey's feet?</p> <p>6 MR. PAGLIUCA: Objection to the</p> <p>7 form and foundation.</p> <p>8 A. I believe that I have read that,</p> <p>9 but I don't have any memory of it.</p> <p>10 Q. Did you ever tell Johanna that she</p> <p>11 would get extra money if she provided Jeffrey</p> <p>12 massages?</p> <p>13 A. I was always happy to give career</p> <p>14 advice to people and I think that becoming</p> <p>15 somebody in the healthcare profession, either</p> <p>16 exercise instructor or nutritionist or</p> <p>17 professional massage therapist is an</p> <p>18 excellent job opportunity. Hourly wages are</p> <p>19 around 7, 8, \$9 and as a professional</p> <p>20 healthcare provider you can earn somewhere</p> <p>21 between as we have established 100 to \$200</p> <p>22 and to be able to travel and have a job that</p> <p>23 pays that is a wonderful job opportunity. So</p> <p>24 in the context of advising people for</p> <p>25 opportunities for work, it is possible that I</p> |
| Page 59 | Page 61 |
| <p>1 G Maxwell - Confidential</p> <p>2 how would I know, or '80s. I have no idea.</p> <p>3 Can you testify to what your friends did 30</p> <p>4 years ago?</p> <p>5 Q. You don't ask the questions here,</p> <p>6 Ms. Maxwell.</p> <p>7 What about Johanna Sjoberg, when</p> <p>8 did you first meet Johanna?</p> <p>9 A. I don't recall the exact date.</p> <p>10 Q. Did you hire Johanna?</p> <p>11 A. I don't hire people, she came to</p> <p>12 work at the house to answer phones.</p> <p>13 Q. Where did you meet her?</p> <p>14 A. I just testified, I don't recall</p> <p>15 exactly when I met her.</p> <p>16 Q. Was one of your job</p> <p>17 responsibilities to interview people that</p> <p>18 would be then hired by Jeffrey?</p> <p>19 A. That was one of my</p> <p>20 responsibilities.</p> <p>21 Q. Do you recall interviewing Johanna?</p> <p>22 A. I don't recall the exact interview,</p> <p>23 no.</p> <p>24 Q. Do you know what tasks Johanna was</p> <p>25 hired to performance?</p> | <p>1 G Maxwell - Confidential</p> <p>2 would have said that she should explore that</p> <p>3 as an option.</p> <p>4 Q. Did you tell her she would get</p> <p>5 extra money if she massaged Jeffrey?</p> <p>6 A. I'm just saying, I cannot recall</p> <p>7 the exact conversation. I give career advice</p> <p>8 and I have done that.</p> <p>9 Q. Did you ever have Johanna massage</p> <p>10 you?</p> <p>11 A. I did.</p> <p>12 Q. How many times?</p> <p>13 A. I don't recall how many times.</p> <p>14 Q. Was there sex involved?</p> <p>15 A. No.</p> <p>16 Q. Did you ever instruct Johanna to</p> <p>17 massage Glenn Dubin?</p> <p>18 A. I don't believe -- I have no</p> <p>19 recollection of it.</p> <p>20 Q. Did you ever have sexual contact</p> <p>21 with Johanna?</p> <p>22 MR. PAGLIUCA: Object to the form</p> <p>23 and foundation. You need to give me an</p> <p>24 opportunity to get in between the</p> <p>25 questions.</p> |

| Page 62 | Page 64 |
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| <p>1 G Maxwell - Confidential</p> <p>2 Anything that involves consensual</p> <p>3 sex on your part, I'm instructing you</p> <p>4 not to answer.</p> <p>5 Q. Did you ever have sexual contact</p> <p>6 with Johanna?</p> <p>7 A. Again, she is an adult --</p> <p>8 Q. I'm asking you, did you ever have</p> <p>9 sexual contact with Johanna?</p> <p>10 A. I've just been instructed not to</p> <p>11 answer.</p> <p>12 Q. On what basis?</p> <p>13 A. You have to ask my lawyer.</p> <p>14 Q. Did you ever have sexual contact</p> <p>15 with Johanna that was not consensual on</p> <p>16 Johanna's part?</p> <p>17 MR. PAGLIUCA: You can answer</p> <p>18 nonconsensual.</p> <p>19 A. I've never had nonconsensual sex</p> <p>20 with anybody.</p> <p>21 Q. Not Annie Farmer?</p> <p>22 MR. PAGLIUCA: Objection.</p> <p>23 A. I just testified I never had</p> <p>24 nonconsensual sex with anybody ever, at any</p> <p>25 time, at anyplace, at any time, with anybody.</p> | <p>1 G Maxwell - Confidential</p> <p>2 Q. Did you have sex with her?</p> <p>3 MR. PAGLIUCA: This is the same</p> <p>4 instruction about consensual or</p> <p>5 nonconsensual.</p> <p>6 Q. Was Emmy under the age of 18 when</p> <p>7 you hired her?</p> <p>8 A. No. I didn't hire her, as I said,</p> <p>9 Jeffrey did.</p> <p>10 Q. Did Emmy ever have sex with</p> <p>11 Jeffrey?</p> <p>12 MR. PAGLIUCA: Objection to the</p> <p>13 form and foundation.</p> <p>14 A. How would I know what somebody else</p> <p>15 did.</p> <p>16 Q. You weren't involved in the sex</p> <p>17 between Jeffrey, Emmy and yourself?</p> <p>18 A. We already --</p> <p>19 Q. Were you involved with sex between</p> <p>20 Jeffrey, Emmy and yourself?</p> <p>21 MR. PAGLIUCA: Everyone is talking</p> <p>22 over each other. You heard the</p> <p>23 question.</p> <p>24 Again, you you know what the</p> <p>25 instruction is. If there is any</p> |
| Page 63 | Page 65 |
| <p>1 G Maxwell - Confidential</p> <p>2 Q. So if Johanna were to testify that</p> <p>3 she did not consent to a sexual act that you</p> <p>4 participated in --</p> <p>5 A. I just told you I have never ever</p> <p>6 under any circumstances with anybody, at any</p> <p>7 time, in anyplace, in any form had</p> <p>8 nonconsensual relations with anybody.</p> <p>9 Q. Did you introduce Johanna to Prince</p> <p>10 Andrew?</p> <p>11 MR. PAGLIUCA: Objection to the</p> <p>12 form and foundation.</p> <p>13 A. I've, again, read that Johanna</p> <p>14 claimed that she met or that she said she met</p> <p>15 Prince Andrew. I don't know if I was the one</p> <p>16 who made the introduction or not.</p> <p>17 Q. Do you know a female by the name of</p> <p>18 Emmy Taylor?</p> <p>19 A. I do.</p> <p>20 Q. How do you know her?</p> <p>21 A. Emmy was my assistant.</p> <p>22 Q. So she worked for you?</p> <p>23 A. Yes.</p> <p>24 Q. Did you hire her?</p> <p>25 A. Again, Jeffrey hired people.</p> | <p>1 G Maxwell - Confidential</p> <p>2 consensual issue involved, I instruct</p> <p>3 you not to answer.</p> <p>4 A. Moving on.</p> <p>5 Q. So you are refusing to answer that</p> <p>6 question?</p> <p>7 A. I've been instructed by my lawyer.</p> <p>8 Q. Did you ever have sex with Jeffrey,</p> <p>9 Emmy, Virginia and yourself when Virginia was</p> <p>10 underage?</p> <p>11 A. Absolutely not.</p> <p>12 MR. PAGLIUCA: We've been going for</p> <p>13 about an hour. I would like to take a</p> <p>14 five-minute break, please.</p> <p>15 MS. McCAWLEY: I'm almost done.</p> <p>16 MR. PAGLIUCA: You are not going to</p> <p>17 allow a break.</p> <p>18 MS. McCAWLEY: As soon as I get</p> <p>19 through my line of questioning, which is</p> <p>20 perfectly appropriate.</p> <p>21 Q. Did Emmy Taylor travel with you and</p> <p>22 Jeffrey to Europe?</p> <p>23 A. I'm sure she did.</p> <p>24 Q. What is she doing today?</p> <p>25 A. I have no idea.</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 G Maxwell - Confidential</p> <p>2 over to the house in Palm Beach to give</p> <p>3 massages?</p> <p>4 A. It's important to understand that I</p> <p>5 wasn't with Jeffrey all the time. In fact, I</p> <p>6 was only in the house less than half the</p> <p>7 time, so I cannot testify to when I wasn't in</p> <p>8 the house how often she came when I wasn't</p> <p>9 there.</p> <p>10 What I can say is that I barely</p> <p>11 would remember her, if not for all of this</p> <p>12 rubbish, I probably wouldn't remember her at</p> <p>13 all, except she did come from time to time</p> <p>14 but I don't recollect her coming as often as</p> <p>15 she portrayed herself.</p> <p>16 Q. How many times a day on an average</p> <p>17 day would Jeffrey Epstein get a massage?</p> <p>18 MR. PAGLIUCA: Objection to the</p> <p>19 form and foundation.</p> <p>20 A. When I was at the house and when I</p> <p>21 was there with him, he received a massage, on</p> <p>22 average, about once a day.</p> <p>23 Q. Just once?</p> <p>24 A. Yes.</p> <p>25 Q. Were there days when he received</p> | <p style="text-align: right;">Page 80</p> <p>1 G Maxwell - Confidential</p> <p>2 all, except for this story.</p> <p>3 Q. Do you recall Virginia Roberts</p> <p>4 calling you because she was having a medical</p> <p>5 crisis and you and Jeffrey taking her to the</p> <p>6 hospital?</p> <p>7 A. I have heard this absurd story and</p> <p>8 if any part of it were true I would remember</p> <p>9 that. I do not.</p> <p>10 Q. You don't remember taking her to</p> <p>11 the hospital?</p> <p>12 A. It's not that I don't remember it,</p> <p>13 it didn't happen.</p> <p>14 Q. How do you know it didn't happen?</p> <p>15 A. That's the sort of memory you would</p> <p>16 recall.</p> <p>17 Q. Do you recall, you said you don't</p> <p>18 remember her being at the New York mansion.</p> <p>19 When you were in New York would you stay at</p> <p>20 the New York mansion with Jeffrey?</p> <p>21 A. I stayed from time to time.</p> <p>22 Q. Do you recall Virginia being at the</p> <p>23 New York mansion when Prince Andrew came to</p> <p>24 visit?</p> <p>25 MR. PAGLIUCA: Objection to the</p> |
| <p style="text-align: right;">Page 79</p> <p>1 G Maxwell - Confidential</p> <p>2 four or five?</p> <p>3 MR. PAGLIUCA: Objection to the</p> <p>4 form and foundation.</p> <p>5 A. When I was present at the house, I</p> <p>6 never saw something like that.</p> <p>7 Q. Do you know if Virginia was</p> <p>8 required to be on call at all times to come</p> <p>9 to the house if Jeffrey wanted her there?</p> <p>10 MR. PAGLIUCA: Objection to the</p> <p>11 form and foundation.</p> <p>12 A. I have no idea of the arrangements</p> <p>13 that Virginia made with Jeffrey.</p> <p>14 Q. When Virginia was in New York,</p> <p>15 would Virginia sleep at Jeffrey's mansion in</p> <p>16 New York?</p> <p>17 MR. PAGLIUCA: Objection to the</p> <p>18 form and foundation.</p> <p>19 A. I don't recollect her being in New</p> <p>20 York and I have no idea where she slept.</p> <p>21 Q. You don't ever remember seeing</p> <p>22 Virginia Roberts in New York?</p> <p>23 MR. PAGLIUCA: Objection to the</p> <p>24 form and foundation.</p> <p>25 A. I would barely recollect her at</p> | <p style="text-align: right;">Page 81</p> <p>1 G Maxwell - Confidential</p> <p>2 form and foundation.</p> <p>3 A. Like I told you, I don't recall her</p> <p>4 being at the house at all.</p> <p>5 Q. How many homes does Jeffrey have?</p> <p>6 MR. PAGLIUCA: Objection to the</p> <p>7 form and foundation.</p> <p>8 A. When I was working for him, I think</p> <p>9 he had six maybe.</p> <p>10 Q. Would Virginia stay with him in</p> <p>11 those homes?</p> <p>12 MR. PAGLIUCA: Objection to the</p> <p>13 form and foundation.</p> <p>14 A. I can only testify for when I was</p> <p>15 present with him and I cannot say what she</p> <p>16 did when I wasn't present with him.</p> <p>17 Q. When you were present, would</p> <p>18 Virginia stay in the homes with him?</p> <p>19 A. I don't recall her staying in the</p> <p>20 houses.</p> <p>21 Q. Did you train Virginia on how to</p> <p>22 recruit other girls for massages?</p> <p>23 MR. PAGLIUCA: Objection to the</p> <p>24 form and foundation.</p> <p>25 A. No.</p> |

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| <p style="text-align: right;">Page 82</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. Did you train Virginia on how to</p> <p>3 recruit other girls to perform sexual</p> <p>4 massages?</p> <p>5 MR. PAGLIUCA: Objection to the</p> <p>6 form and foundation.</p> <p>7 A. No. And it's absurd and her entire</p> <p>8 story is one giant tissue of lies and</p> <p>9 furthermore, she herself has -- if she says</p> <p>10 that, you have to ask her about what she did.</p> <p>11 Q. Does Jeffrey like to have his</p> <p>12 nipples pinched during sexual encounters?</p> <p>13 MR. PAGLIUCA: Objection to form</p> <p>14 and foundation.</p> <p>15 A. I'm not referring to any advice on</p> <p>16 my counsel. I'm not talking about any adult</p> <p>17 sexual things when I was with him.</p> <p>18 Q. When Jeffrey would have a massage,</p> <p>19 would he request that the masseuse pinch his</p> <p>20 nipples while he was having a massage?</p> <p>21 A. I'm not talking about anything with</p> <p>22 consensual adult situation.</p> <p>23 Q. What about with underage --</p> <p>24 A. I am not aware of anything.</p> <p>25 Q. You are not aware of Jeffrey</p> | <p style="text-align: right;">Page 84</p> <p>1 G Maxwell - Confidential</p> <p>2 30 girls --</p> <p>3 A. I did not count the number of girls</p> <p>4 and I did read the police report. I can only</p> <p>5 testify to what I read.</p> <p>6 Q. So you are aware that the police</p> <p>7 report contains reports from 30 underage</p> <p>8 girls?</p> <p>9 A. I can't testify to what the girls</p> <p>10 said. I can only testify to the fact that I</p> <p>11 read a police report that stated that.</p> <p>12 Q. Were you working for Jeffrey -- you</p> <p>13 said you worked for him off an on until 2009,</p> <p>14 is that correct?</p> <p>15 A. I helped out from time to time.</p> <p>16 Q. So you were working with him during</p> <p>17 the time period when these underage girls</p> <p>18 were visiting Jeffrey's home?</p> <p>19 MR. PAGLIUCA: Objection to the</p> <p>20 form and foundation.</p> <p>21 A. I was not -- what year, I need</p> <p>22 years.</p> <p>23 Q. How about let's say 2005?</p> <p>24 A. I'm not sure I was at the house at</p> <p>25 all in 2005, maybe one day, maybe.</p> |
| <p style="text-align: right;">Page 83</p> <p>1 G Maxwell - Confidential</p> <p>2 Epstein ever having sex with an underage</p> <p>3 minor and asking them to pinch his nipples?</p> <p>4 A. I am not.</p> <p>5 Q. So I'm going to direct you to, I</p> <p>6 believe it's Maxwell Exhibit 1, the police</p> <p>7 report.</p> <p>8 Are you aware that over 30 under</p> <p>9 age minors gave testimony to police that they</p> <p>10 were engaged in sexual acts during,</p> <p>11 quote-unquote, massages.</p> <p>12 MR. PAGLIUCA: The witness needs to</p> <p>13 find Exhibit 1. Exhibit 1 -- if you can</p> <p>14 hand me that please.</p> <p>15 Q. So now with respect to the police</p> <p>16 report, are you aware that over 30 underage</p> <p>17 girls, meaning under the age of 18 gave</p> <p>18 reports to police that they were assaulted</p> <p>19 sexually by Jeffrey Epstein during massages?</p> <p>20 MR. PAGLIUCA: Objection to the</p> <p>21 form and foundation.</p> <p>22 A. I read the police report. That's</p> <p>23 all I can testify to.</p> <p>24 Q. Are you aware of what is in the</p> <p>25 police report? Are you aware that there were</p> | <p style="text-align: right;">Page 85</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. How about 2004?</p> <p>3 A. I was present for his mother's --</p> <p>4 his mother died in 2004 so I was there for</p> <p>5 his mother's death and the funeral and I was</p> <p>6 at the house maybe a handful of days, again.</p> <p>7 Q. I would like to direct you to, you</p> <p>8 have it pulled together now, it's page 39,</p> <p>9 Bates stamped Giuffre 00040?</p> <p>10 A. Can you repeat that, please.</p> <p>11 Q. Sure. 00040.</p> <p>12 A. Yes.</p> <p>13 Q. At the top of that document, about</p> <p>14 three lines down, you see the redacted</p> <p>15 portions where there is black so it blacks</p> <p>16 out the name.</p> <p>17 A. I see black redacted portions.</p> <p>18 Q. That's a black redaction of the</p> <p>19 name of the minor and there is -- I will</p> <p>20 represent for the record that's what it is.</p> <p>21 You can contest that but I'm not asking about</p> <p>22 the name of the minor.</p> <p>23 Five lines down, it says, She was</p> <p>24 just 16 years of age.</p> <p>25 Do you see that?</p> |

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| <p style="text-align: right;">Page 94</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. I'm asking the questions. I know</p> <p>3 what this case is about. I'm trying to -- I</p> <p>4 will ask you questions if you don't</p> <p>5 understand the question I can break it down</p> <p>6 for you. I'm happy to do that.</p> <p>7 A. Break it down a lot please.</p> <p>8 Q. I will do that.</p> <p>9 The question is, have you ever said</p> <p>10 to anybody that you recruit other girls --</p> <p>11 A. Why don't you stop there.</p> <p>12 Q. Let me finish my question.</p> <p>13 Have you ever said to anybody that</p> <p>14 you recruit girls to take the pressure off</p> <p>15 you, so you won't have to have sex with</p> <p>16 Jeffrey, have you said that?</p> <p>17 That's the question?</p> <p>18 A. You don't ask me questions like</p> <p>19 that. First of all, you are trying to trap</p> <p>20 me, I will not be trapped. You are asking me</p> <p>21 if I recruit, I told you no. Girls meaning</p> <p>22 underage, I already said I don't do that with</p> <p>23 underage people and as to ask me about a</p> <p>24 specific conversation I had with language, we</p> <p>25 talking about almost 17 years ago when this</p> | <p style="text-align: right;">Page 96</p> <p>1 G Maxwell - Confidential</p> <p>2 testify to actual language.</p> <p>3 Q. So you won't testify to anything</p> <p>4 I'm asking you 17 years ago about a statement</p> <p>5 you made. How do you know it's 17 years ago?</p> <p>6 A. We are talking about a time in</p> <p>7 2000, right?</p> <p>8 Q. Have you ever said that to anybody?</p> <p>9 A. I'm 54 years old so you are asking</p> <p>10 me in my entire life, what words are you</p> <p>11 asking me in my entire life?</p> <p>12 Q. Your entire life is limited by the</p> <p>13 time you were with Jeffrey, this is the</p> <p>14 question.</p> <p>15 A. Let's time limit the question you</p> <p>16 are asking me.</p> <p>17 Q. So from, let's say, I think you</p> <p>18 said you started with him in 1992, is that</p> <p>19 correct, and finished with him in 2009.</p> <p>20 So from 1992 to 2009 have you ever</p> <p>21 said to anybody that you recruit other and we</p> <p>22 will start with girls to take the pressure</p> <p>23 off you to have sex with Jeffrey?</p> <p>24 MR. PAGLIUCA: Objection to the</p> <p>25 form and foundation.</p> |
| <p style="text-align: right;">Page 95</p> <p>1 G Maxwell - Confidential</p> <p>2 took place. I cannot testify to an actual</p> <p>3 conversation or language that I used with</p> <p>4 anybody at any time.</p> <p>5 Q. Have you ever said to anybody that</p> <p>6 you recruit other females over the age of 18</p> <p>7 to take the pressure off you to having to</p> <p>8 have sex with Jeffrey?</p> <p>9 A. I totally resent and find it</p> <p>10 disgusting that you use the word recruit. I</p> <p>11 already told you I don't know what you are</p> <p>12 saying about that and your implication is</p> <p>13 repulsive.</p> <p>14 Q. Answer my question.</p> <p>15 A. I just did.</p> <p>16 Q. Have you ever said to anybody that</p> <p>17 you recruit females --</p> <p>18 A. I don't recruit anybody.</p> <p>19 Q. That's an answer. So you never</p> <p>20 said that?</p> <p>21 A. I'm testifying that I cannot</p> <p>22 testify to an actual language --</p> <p>23 Q. It's a yes or no.</p> <p>24 A. I will not testify to an actual</p> <p>25 statement made 17 years ago, so I cannot</p> | <p style="text-align: right;">Page 97</p> <p>1 G Maxwell - Confidential</p> <p>2 A. First of all I resent and despise</p> <p>3 the world recruit. Would you like to define</p> <p>4 what you mean by recruit and by girls, you</p> <p>5 mean underage people. I never had to do</p> <p>6 anything with underage people. So why don't</p> <p>7 you reask the question in a way that I am</p> <p>8 able to answer it.</p> <p>9 Q. I'm asking if you ever said that to</p> <p>10 anybody. So if you don't understand the word</p> <p>11 recruit and you never used that word then the</p> <p>12 answer to that question would be no.</p> <p>13 A. I have no memory as I sit here</p> <p>14 today having used that word.</p> <p>15 Q. Did you ever meet an underage girl</p> <p>16 in London to introduce her to Jeffrey to</p> <p>17 provide him with a massage?</p> <p>18 MR. PAGLIUCA: Objection to the</p> <p>19 form and foundation.</p> <p>20 A. Run that past me one more time.</p> <p>21 Q. Did you ever meet an underage girl</p> <p>22 in London to introduce her to Jeffrey to</p> <p>23 perform a massage?</p> <p>24 MR. PAGLIUCA: Same objection.</p> <p>25 A. Are you asking me if I met anybody</p> |

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| <p style="text-align: right;">Page 98</p> <p>1 G Maxwell - Confidential</p> <p>2 that was underage in London specifically to</p> <p>3 provide a massage to Jeffrey, is that your</p> <p>4 question?</p> <p>5 Q. Yes.</p> <p>6 A. No.</p> <p>7 Q. Do you know who Alexander Dixon is?</p> <p>8 A. I don't recall her right now.</p> <p>9 Q. Do you know if -- strike that.</p> <p>10 During the time that you were</p> <p>11 working for Jeffrey, did you ever observe any</p> <p>12 foreign females, so in other words, not from</p> <p>13 the United States, that were brought to</p> <p>14 Jeffrey's home to perform massages?</p> <p>15 MR. PAGLIUCA: Objection to the</p> <p>16 form and foundation.</p> <p>17 A. Females, what age are we talking?</p> <p>18 Q. Any age.</p> <p>19 A. Can you repeat the question?</p> <p>20 Q. During the time you were working</p> <p>21 for Jeffrey, did you ever observe any foreign</p> <p>22 females of any age that were at Jeffrey's</p> <p>23 home to perform a massage?</p> <p>24 MR. PAGLIUCA: Objection to the</p> <p>25 form and foundation.</p> | <p style="text-align: right;">Page 100</p> <p>1 G Maxwell - Confidential</p> <p>2 form and foundation.</p> <p>3 A. I already testified about not</p> <p>4 knowing about underage girls.</p> <p>5 Q. Did you provide any assistance with</p> <p>6 obtaining visas for foreign girls that were</p> <p>7 under the age of 18?</p> <p>8 A. I've never participated in helping</p> <p>9 people of any age to get visas.</p> <p>10 Q. Did Jeffrey, was it Jeffrey's</p> <p>11 preference to start a massage with sex?</p> <p>12 MR. PAGLIUCA: Objection to the</p> <p>13 form and foundation.</p> <p>14 A. I think you should ask that</p> <p>15 question of Jeffrey.</p> <p>16 Q. Do you know?</p> <p>17 A. I don't believe that was his</p> <p>18 preference. I think -- you have to</p> <p>19 understand, a massage -- perhaps you are not</p> <p>20 really familiar with what massage is.</p> <p>21 Q. I am, I don't need a lecture on</p> <p>22 massage.</p> <p>23 A. I think you do.</p> <p>24 MR. PAGLIUCA: No question pending.</p> <p>25 She will ask you another question now.</p> |
| <p style="text-align: right;">Page 99</p> <p>1 G Maxwell - Confidential</p> <p>2 A. Are you asking me if any foreigner,</p> <p>3 not an American person, gave Jeffrey a</p> <p>4 massage?</p> <p>5 Q. Yes.</p> <p>6 A. Well, as I sit here today, I can't</p> <p>7 think of anyone who is foreign. Certainly --</p> <p>8 I just can't think of anybody right this</p> <p>9 second.</p> <p>10 Q. How about any foreign girls who</p> <p>11 were under the age of 18?</p> <p>12 A. I already testified to not knowing</p> <p>13 anything about underage girls.</p> <p>14 Q. Were there foreign girls who were</p> <p>15 brought to Jeffrey's home by Jean Luc Brunel</p> <p>16 for the purposes of providing massages?</p> <p>17 MR. PAGLIUCA: Objection to the</p> <p>18 form and foundation.</p> <p>19 A. I am not aware of Jean Luc bringing</p> <p>20 girls. I have not no idea what you are</p> <p>21 talking about.</p> <p>22 Q. You have never been around foreign</p> <p>23 girls who are under the age of 18 at</p> <p>24 Jeffrey's homes?</p> <p>25 MR. PAGLIUCA: Objection to the</p> | <p style="text-align: right;">Page 101</p> <p>1 G Maxwell - Confidential</p> <p>2 A. Massage is for health benefits.</p> <p>3 Q. When did you first meet Jeffrey?</p> <p>4 A. Some point in 1991.</p> <p>5 Q. And did Jeffrey know your father?</p> <p>6 A. No.</p> <p>7 Q. How were you introduced to Jeffrey?</p> <p>8 A. Some friend introduced us.</p> <p>9 Q. Can you describe your relationship</p> <p>10 back in 1991, was it friendship or was it</p> <p>11 girlfriend relationship or was it a work</p> <p>12 relationship, what was your relationship in</p> <p>13 1991?</p> <p>14 A. It was just friendly.</p> <p>15 Q. Then I believe you testified you</p> <p>16 began working for him in 1992, is that</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. In 1992 I know you gave me the</p> <p>20 description of the work that you were</p> <p>21 performing for him, how much was he paying</p> <p>22 you, do you remember?</p> <p>23 A. I don't recall.</p> <p>24 Q. Do you know for example in 2001 how</p> <p>25 much he was paying you?</p> |

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| <p style="text-align: right;">Page 102</p> <p>1 G Maxwell - Confidential</p> <p>2 A. I don't recall.</p> <p>3 Q. Did it change over the years or did</p> <p>4 the payment remain the same?</p> <p>5 A. I believe over the course of time</p> <p>6 it increased a little bit.</p> <p>7 Q. Was that the -- was that payment</p> <p>8 the payment that -- was the payment made with</p> <p>9 respect to the jobs, the work you were</p> <p>10 performing for Jeffrey, was that your sole</p> <p>11 income at that time?</p> <p>12 MR. PAGLIUCA: I object to the</p> <p>13 form. I'm also going to instruct you</p> <p>14 not to answer about sources of -- your</p> <p>15 personal sources of income outside of</p> <p>16 Mr. Epstein at all.</p> <p>17 MS. McCAWLEY: What's the basis for</p> <p>18 that?</p> <p>19 MR. PAGLIUCA: It's confidential,</p> <p>20 it's not part of this lawsuit.</p> <p>21 MS. McCAWLEY: We have a protective</p> <p>22 order and it is part of this lawsuit</p> <p>23 with respect to our damage claims.</p> <p>24 MR. PAGLIUCA: It's not and, in</p> <p>25 fact, you are not entitled to ask</p> | <p style="text-align: right;">Page 104</p> <p>1 G Maxwell - Confidential</p> <p>2 worked for it and I had a loan, we did loans.</p> <p>3 Q. So a loan through Jeffrey?</p> <p>4 A. I don't recall the exact</p> <p>5 transaction.</p> <p>6 Q. Did he purchase for you a</p> <p>7 helicopter during the time you were working</p> <p>8 for him?</p> <p>9 A. It was his helicopter.</p> <p>10 Q. When did you obtain your pilot</p> <p>11 license?</p> <p>12 A. I believe it was '98 or '99.</p> <p>13 Q. Was that for both airplanes and</p> <p>14 helicopters or just helicopters?</p> <p>15 A. Just helicopters.</p> <p>16 Q. Have you ever flown President</p> <p>17 Clinton on your helicopter?</p> <p>18 A. That is another one of Virginia's</p> <p>19 lies.</p> <p>20 Q. The question is have you ever done</p> <p>21 that?</p> <p>22 A. I have never flown President</p> <p>23 Clinton at any time ever, in any helicopter,</p> <p>24 in any place, any time, in any state, in any</p> <p>25 country, at any time anywhere.</p> |
| <p style="text-align: right;">Page 103</p> <p>1 G Maxwell - Confidential</p> <p>2 financial information of a defendant in</p> <p>3 this kind of case, in a defamation case</p> <p>4 unless and until there is a finding that</p> <p>5 you are entitled to punitive damages.</p> <p>6 That is clear in New York case law, both</p> <p>7 state and Federal.</p> <p>8 MS. McCAWLEY: We disagree on that</p> <p>9 point and we will come back to that.</p> <p>10 Q. From the source of payment from the</p> <p>11 source of Jeffrey, from your work, can you</p> <p>12 give me a range on that, do you know was it</p> <p>13 over \$100,000?</p> <p>14 A. I just testified I don't recall.</p> <p>15 Q. You don't don't know if it was</p> <p>16 \$500,000?</p> <p>17 A. It was less than that.</p> <p>18 Q. Somewhere between 100 and 500,</p> <p>19 would that be fair to say?</p> <p>20 A. I believe it was between 100 and</p> <p>21 \$200,000.</p> <p>22 Q. Did Jeffrey during the time that</p> <p>23 you were working for him purchase a town home</p> <p>24 for you?</p> <p>25 A. The subject of the townhouse is, I</p> | <p style="text-align: right;">Page 105</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. Have you ever had dinner with</p> <p>3 President Clinton at Jeffrey's home, at any</p> <p>4 of Jeffrey's homes?</p> <p>5 A. No, I don't believe so.</p> <p>6 Q. Have you traveled on Jeffrey's</p> <p>7 planes with President Clinton?</p> <p>8 A. Yes, I have.</p> <p>9 Q. Would that have been in 2002?</p> <p>10 A. It's very hard for me to recollect</p> <p>11 exact dates but that sounds about right.</p> <p>12 Q. Was that during the time that</p> <p>13 Virginia was working for Jeffrey?</p> <p>14 A. I don't know that Virginia ever did</p> <p>15 work for Jeffrey. I don't exactly know if</p> <p>16 she testified to her so-called duties, we</p> <p>17 know she is a serial liar so I can't testify</p> <p>18 to what she did or didn't do. So I object to</p> <p>19 that characterization of her. So repeat the</p> <p>20 question, please.</p> <p>21 Q. Can you read the question back?</p> <p>22 (Record read.)</p> <p>23 Q. You can answer the question.</p> <p>24 A. What was the question again?</p> <p>25 Q. When you were traveling on the</p> |

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| <p style="text-align: right;">Page 106</p> <p>1 G Maxwell - Confidential</p> <p>2 plane with President Clinton, was that during</p> <p>3 the time, it was 2002, that you were on a</p> <p>4 flight with Clinton, was that during the time</p> <p>5 Virginia was working for Jeffrey?</p> <p>6 MR. PAGLIUCA: Object to the form.</p> <p>7 Misstates the witness' answer and if you</p> <p>8 can answer the question, you can answer</p> <p>9 it.</p> <p>10 A. Well, like I said, I don't recall</p> <p>11 exactly when I flew with him. I don't recall</p> <p>12 when Virginia, we know what Virginia claims</p> <p>13 when she left, so I can't answer the</p> <p>14 question. I have no idea.</p> <p>15 Q. Do you know Prince Andrew?</p> <p>16 A. I do.</p> <p>17 Q. How long have you known him?</p> <p>18 A. A very long time.</p> <p>19 Q. Since you were a child?</p> <p>20 A. I really -- it's so long, it's</p> <p>21 really a long time ago. I just don't recall.</p> <p>22 Q. Do you remember how you first met</p> <p>23 him?</p> <p>24 A. No, I do not.</p> <p>25 Q. Did you introduce him to Jeffrey?</p> | <p style="text-align: right;">Page 108</p> <p>1 G Maxwell - Confidential</p> <p>2 that he may have met socially through me.</p> <p>3 Q. Did you ever introduce Prince</p> <p>4 Andrew to Virginia in London?</p> <p>5 A. I understand her story about London</p> <p>6 but again, her tissue of lies is extremely</p> <p>7 hard to pick apart what is true and what</p> <p>8 isn't. Actually I wouldn't recollect her at</p> <p>9 all but for her tissue stories about this</p> <p>10 situation.</p> <p>11 Q. So did you ever introduce Prince</p> <p>12 Andrew to Virginia in London?</p> <p>13 A. I have no recollection.</p> <p>14 Q. Did Virginia ever stay at your home</p> <p>15 in London, your town home?</p> <p>16 A. I know she claims she did but if</p> <p>17 you are asking me here today to remember</p> <p>18 specifically, I cannot.</p> <p>19 Q. Do you remember taking a trip with</p> <p>20 Virginia to travel over to Europe, including</p> <p>21 London?</p> <p>22 A. So I have seen her reports and I</p> <p>23 have seen the plane reports. I see she says</p> <p>24 she was on that but again, I really have no</p> <p>25 recollection of her.</p> |
| <p style="text-align: right;">Page 107</p> <p>1 G Maxwell - Confidential</p> <p>2 A. That would be another of Virginia's</p> <p>3 lies and the lies you perpetrate. I never</p> <p>4 introduced Prince Andrew to Jeffrey Epstein</p> <p>5 at any time ever, so just add that the to</p> <p>6 long list of lies.</p> <p>7 Q. Did Jeffrey know Prince Andrew?</p> <p>8 A. Clearly he knew him. I think we</p> <p>9 have that answer but how -- yeah.</p> <p>10 Q. Do you know how Jeffrey met Prince</p> <p>11 Andrew?</p> <p>12 A. I do not know Jeffrey met Prince</p> <p>13 Andrew. What I do know is that I did not</p> <p>14 introduce them. That is one of the many</p> <p>15 lies. Are we tallying all the lies?</p> <p>16 Q. Do you know when Jeffrey met Prince</p> <p>17 Andrew?</p> <p>18 A. I do not know when Jeffrey met</p> <p>19 Prince Andrew.</p> <p>20 Q. Did you ever introduce Prince</p> <p>21 Andrew to any girls under the age of 18 who</p> <p>22 were not friends of yours children?</p> <p>23 A. I have not introduced Prince Andrew</p> <p>24 to anyone that I am aware of other than</p> <p>25 friends of mine who have kids under that age</p> | <p style="text-align: right;">Page 109</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. Did you know that she was 17 at the</p> <p>3 time of that trip?</p> <p>4 MR. PAGLIUCA: Objection to the</p> <p>5 form and foundation.</p> <p>6 A. I have --</p> <p>7 Q. Did you know she was 17 at the time</p> <p>8 of that trip?</p> <p>9 MR. PAGLIUCA: Objection to the</p> <p>10 form and foundation.</p> <p>11 A. I didn't even know she was on the</p> <p>12 trip.</p> <p>13 Q. Did you hold her passport for her</p> <p>14 when she was traveling?</p> <p>15 MR. PAGLIUCA: Objection to the</p> <p>16 form and foundation.</p> <p>17 A. I have no recollection whatsoever</p> <p>18 of her even being on the trip nor holding her</p> <p>19 passport.</p> <p>20 (Maxwell Exhibit 4, picture, marked</p> <p>21 for identification.)</p> <p>22 Q. I'm showing you what we marked as</p> <p>23 Maxwell Exhibit 4.</p> <p>24 Can you take a look at that picture</p> <p>25 for me?</p> |

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| <p style="text-align: right;">Page 110</p> <p>1 G Maxwell - Confidential</p> <p>2 A. I've looked at it.</p> <p>3 Q. Are you in that picture?</p> <p>4 A. I am.</p> <p>5 Q. Is that Prince Andrew in the</p> <p>6 picture as well?</p> <p>7 A. It is.</p> <p>8 MR. PAGLIUCA: I don't believe this</p> <p>9 has been produced to us in discovery by</p> <p>10 you.</p> <p>11 MS. McCAWLEY: The picture?</p> <p>12 MR. PAGLIUCA: Yes.</p> <p>13 MS. McCAWLEY: It has.</p> <p>14 MS. MENNINGER: Is it the same</p> <p>15 exact photograph.</p> <p>16 MS. McCAWLEY: I believe so. We</p> <p>17 will find one. The picture has been</p> <p>18 produced a number of times.</p> <p>19 MR. PAGLIUCA: I've seen different</p> <p>20 iterations of this, I don't believe I</p> <p>21 have ever seen this.</p> <p>22 MS. McCAWLEY: We had them blow it</p> <p>23 up on a page so she could see it. We</p> <p>24 could use an article.</p> <p>25 While you are looking for that, I</p> | <p style="text-align: right;">Page 112</p> <p>1 G Maxwell - Confidential</p> <p>2 A. No, I don't.</p> <p>3 Q. Where in your town home -- we will</p> <p>4 come back to that.</p> <p>5 Do you have guest bedrooms in your</p> <p>6 town home in London?</p> <p>7 A. I do.</p> <p>8 Q. How many?</p> <p>9 A. Two.</p> <p>10 Q. Did Prince Andrew ever visit</p> <p>11 Jeffrey and you in New York?</p> <p>12 A. Yes.</p> <p>13 Q. Do you remember him visiting you</p> <p>14 and Jeffrey in New York in the spring of</p> <p>15 2001?</p> <p>16 A. Again, I can't testify to any</p> <p>17 specific dates.</p> <p>18 Q. So you don't have a recollection of</p> <p>19 that?</p> <p>20 A. I have a recollection -- you've</p> <p>21 asked me if I have a recollection of being in</p> <p>22 New York but if you are asking for a date, I</p> <p>23 cannot confirm that date.</p> <p>24 Q. Do you remember Prince Andrew being</p> <p>25 present in New York for a party where Johanna</p> |
| <p style="text-align: right;">Page 111</p> <p>1 G Maxwell - Confidential</p> <p>2 will skip ahead. Hold that until we can</p> <p>3 find one that has the Bates range on it.</p> <p>4 Q. Do you recall Virginia being at</p> <p>5 your London town home?</p> <p>6 A. I do not.</p> <p>7 Q. Do you recall going to dinner with</p> <p>8 Prince Andrew, Jeffrey Epstein and Virginia</p> <p>9 Roberts in London, at any time?</p> <p>10 A. I do not.</p> <p>11 Q. Do you recall going to a place</p> <p>12 called Club Tramp with Prince Andrew, Jeffrey</p> <p>13 Epstein and yourself and Virginia Roberts?</p> <p>14 A. I would just like to state for the</p> <p>15 record that Prince Andrew is a very famous</p> <p>16 person, I know you are aware because you like</p> <p>17 to use him so often in your press stories --</p> <p>18 please let me finish. Were he at Tramp, at</p> <p>19 any time, that would be reported by the</p> <p>20 press. I do not have any recollection of it</p> <p>21 and I doubt it actually happened.</p> <p>22 Q. You don't recall that.</p> <p>23 Do you recall taking Virginia</p> <p>24 shopping when you were in London to buy an</p> <p>25 outfit to meet Prince Andrew?</p> | <p style="text-align: right;">Page 113</p> <p>1 G Maxwell - Confidential</p> <p>2 Sjoberg was also present?</p> <p>3 A. I don't recollect.</p> <p>4 Q. Do you recall ever giving Prince</p> <p>5 Andrew a gift of a puppet that was in the</p> <p>6 same -- that looked like him?</p> <p>7 A. I never gave him a gift of a</p> <p>8 puppet.</p> <p>9 Q. Did Jeffrey ever give him a gift of</p> <p>10 a puppet?</p> <p>11 A. No, not that I am aware of.</p> <p>12 Q. Have you ever given him any gifts?</p> <p>13 MR. PAGLIUCA: Objection,</p> <p>14 foundation.</p> <p>15 A. I know Andrew --</p> <p>16 Q. Have you ever given him any gifts</p> <p>17 that you remember when he came to Jeffrey's</p> <p>18 home in New York?</p> <p>19 A. I don't recall giving him any gifts</p> <p>20 in New York.</p> <p>21 (Maxwell Exhibit 5, picture, marked</p> <p>22 for identification.)</p> <p>23 Q. I think I directed you to page</p> <p>24 0034.</p> <p>25 Is that a picture that was taken at</p> |

| Page 114 | Page 116 |
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| <p>1 G Maxwell - Confidential</p> <p>2 your London town home?</p> <p>3 A. I have no idea what this picture</p> <p>4 was taken. I know what she purports it to be</p> <p>5 but I'm not going to say that I do.</p> <p>6 Q. Do the surroundings look like your</p> <p>7 London town home?</p> <p>8 A. They are familiar.</p> <p>9 Q. Do you know who took this picture?</p> <p>10 A. I do not.</p> <p>11 Q. Did Jeffrey Epstein take the</p> <p>12 picture?</p> <p>13 A. I just testified I don't know who</p> <p>14 took the picture.</p> <p>15 Q. So you don't know if Jeffery</p> <p>16 Epstein took the picture?</p> <p>17 A. When I tell you I don't know who</p> <p>18 took the picture, it doesn't mean him -- I</p> <p>19 don't know who took the picture. You can</p> <p>20 come up with 50 names, I still do not know</p> <p>21 who took the picture.</p> <p>22 Q. Did you observe Prince Andrew go</p> <p>23 into a room with Virginia alone in your town</p> <p>24 home?</p> <p>25 A. I cannot recall. As I have said,</p> | <p>1 G Maxwell - Confidential</p> <p>2 Q. Were you present on the island when</p> <p>3 Prince Andrew visited?</p> <p>4 A. Yes.</p> <p>5 Q. How many times?</p> <p>6 A. I can only remember once.</p> <p>7 Q. Were there any girls under the age</p> <p>8 of 18 on the island during that one visit</p> <p>9 that you remember that were not family or</p> <p>10 friends of or daughters of your friends?</p> <p>11 MR. PAGLIUCA: Objection to the</p> <p>12 form and foundation.</p> <p>13 A. There were no girls on the island</p> <p>14 at all. No girls, no women, other than the</p> <p>15 staff who work at the house. Girls meaning,</p> <p>16 I assume you are asking underage, but there</p> <p>17 was nobody female outside of the cooks and</p> <p>18 the cleaners.</p> <p>19 Q. Did you, as part of your duties in</p> <p>20 working for Jeffrey, ever arrange for</p> <p>21 Virginia to have sex with John Luc Brunel?</p> <p>22 MR. PAGLIUCA: Objection to the</p> <p>23 form and foundation.</p> <p>24 A. Just for the record, I have never</p> <p>25 at any time, at anyplace, in any moment ever</p> |
| Page 115 | Page 117 |
| <p>1 G Maxwell - Confidential</p> <p>2 no.</p> <p>3 Q. Did Prince Andrew ever tell you</p> <p>4 that he had sex with Virginia Roberts?</p> <p>5 A. He did not.</p> <p>6 Q. Did Jeffrey Epstein ever tell you</p> <p>7 that Prince Andrew had sex with Virginia</p> <p>8 Roberts?</p> <p>9 A. He did not.</p> <p>10 Q. Did Prince Andrew ever visit -- let</p> <p>11 me back up for a moment. We talked about</p> <p>12 Jeffrey's homes, did Jeffrey have a home in</p> <p>13 the U.S. Virgin islands called Little St.</p> <p>14 James?</p> <p>15 A. Yes.</p> <p>16 Q. Did Prince Andrew ever visit that</p> <p>17 island -- are you aware of Prince Andrew ever</p> <p>18 visiting Jeffrey's island?</p> <p>19 A. I am aware of that, yes.</p> <p>20 Q. Do you know how many times he</p> <p>21 visited?</p> <p>22 A. I do not.</p> <p>23 Q. Do you know if he visited when</p> <p>24 Virginia was on the island?</p> <p>25 A. I do not.</p> | <p>1 G Maxwell - Confidential</p> <p>2 asked Virginia Roberts or whatever she is</p> <p>3 called now to have sex with anybody.</p> <p>4 Q. Did you ever provide Virginia</p> <p>5 Roberts with an outfit, an outfit of a sexual</p> <p>6 nature to wear for Les Wexner?</p> <p>7 MR. PAGLIUCA: Objection to the</p> <p>8 form and foundation.</p> <p>9 A. I think we addressed the outfit</p> <p>10 issue.</p> <p>11 Q. I am asking you if you ever</p> <p>12 provided her with an outfit of a sexual</p> <p>13 nature to wear for Les Wexner?</p> <p>14 A. Categorically no. You did get</p> <p>15 that, I said categorically no</p> <p>16 Q. Don't worry I'm paying attention.</p> <p>17 A. You seemed very distracted in that</p> <p>18 moment.</p> <p>19 (Maxwell Exhibit 6, flight logs,</p> <p>20 marked for identification.)</p> <p>21 A. Do you mind if I take a break for</p> <p>22 the bathroom.</p> <p>23 Q. It's 11:08 and we are going to go</p> <p>24 off the record now.</p> <p>25 THE VIDEOGRAPHER: It's now 11:09.</p> |

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| <p style="text-align: right;">Page 146</p> <p>1 G Maxwell - Confidential</p> <p>2 one of his planes?</p> <p>3 A. There was a bed on one of his</p> <p>4 planes that folded out, yes.</p> <p>5 Q. Do you recall whether with respect</p> <p>6 to this being in Santa Fe, do you recall</p> <p>7 whether you were there for some form of a</p> <p>8 party?</p> <p>9 MR. PAGLIUCA: Objection to the</p> <p>10 form and foundation.</p> <p>11 A. I don't recall the trip at all and</p> <p>12 this looks like a total work trip, not a</p> <p>13 party trip.</p> <p>14 Q. What would be the difference</p> <p>15 between a work trip and a party trip?</p> <p>16 A. Just that I would be on trips for</p> <p>17 work and I believe that this looks like, AP</p> <p>18 looks like it's one of the -- probably one of</p> <p>19 the designers and the time would meet with a</p> <p>20 trip to decorate the house, just the timing</p> <p>21 of it.</p> <p>22 Q. So would Virginia be brought on</p> <p>23 trips that were for the purpose of work and</p> <p>24 decorating the house?</p> <p>25 A. Like I said, I never worked with</p> | <p style="text-align: right;">Page 148</p> <p>1 G Maxwell - Confidential</p> <p>2 excerpts from -- we will identify what they</p> <p>3 are but from the message pads.</p> <p>4 Did you want to correct anything?</p> <p>5 A. I want to make an addendum.</p> <p>6 Would you mind rereading the last</p> <p>7 question back to me?</p> <p>8 (Record read.)</p> <p>9 A. I also just want to say that at</p> <p>10 this point I cannot recollect flying to</p> <p>11 parties. Jeffrey went for work so -- was</p> <p>12 this in Santa Fe, this flight as well.</p> <p>13 Q. The flight we were looking at, yes</p> <p>14 but it was to Santa Fe --</p> <p>15 A. I don't recall going to any parties</p> <p>16 in Santa Fe at any time but certainly flying</p> <p>17 to Santa Fe for a party seems highly</p> <p>18 improbable.</p> <p>19 Q. So I'm going to direct your</p> <p>20 attention to the document that I set before</p> <p>21 you which is Bates number [REDACTED] and it</p> <p>22 has different Bates numbers because it's a</p> <p>23 smaller version of the larger production.</p> <p>24 These are the pages I will be asking about.</p> <p>25 In the time that you were working</p> |
| <p style="text-align: right;">Page 147</p> <p>1 G Maxwell - Confidential</p> <p>2 her but you would have to ask Jeffrey what he</p> <p>3 brought her on the trip for.</p> <p>4 Q. But she would travel with him when</p> <p>5 there was a work trip like this?</p> <p>6 A. I can't -- I'm seeing that she is</p> <p>7 on this flight but I have no idea what she is</p> <p>8 doing, he invited her, it would not be my</p> <p>9 job.</p> <p>10 Q. What about Nadia Bjorlin, would she</p> <p>11 regularly travel with Jeffrey on flights?</p> <p>12 A. I have no idea, you would have to</p> <p>13 look through the flight logs. I have no</p> <p>14 idea.</p> <p>15 Q. Your recollection is -- what is</p> <p>16 your recollection, do you recollect Nadia</p> <p>17 traveling often on flights with Jeffrey?</p> <p>18 A. Absolutely not. No, not at all. I</p> <p>19 don't recollect her actually on the flight at</p> <p>20 all.</p> <p>21 Q. I think you can set that aside for</p> <p>22 the moment.</p> <p>23 (Maxwell Exhibit 9, message pad</p> <p>24 pages, marked for identification.)</p> <p>25 Q. We will mark as Exhibit 9 these</p> | <p style="text-align: right;">Page 149</p> <p>1 G Maxwell - Confidential</p> <p>2 with Jeffrey in Palm Beach, do you recall a</p> <p>3 process for taking, anybody at the house</p> <p>4 taking messages when incoming phone calls</p> <p>5 came in?</p> <p>6 A. You are supposed to take a message</p> <p>7 and receive the message and write the message</p> <p>8 down. Who was the message was for, what time</p> <p>9 it was taken and who took it and what the</p> <p>10 message was, obviously.</p> <p>11 Q. Does what's in front of you look</p> <p>12 familiar with respect to the message pads</p> <p>13 that you would have used at the house?</p> <p>14 A. It is familiar.</p> <p>15 Q. I'm going to direct your attention</p> <p>16 to the second page of it?</p> <p>17 MR. PAGLIUCA: These all have SAO</p> <p>18 numbers on them or Bates ranges and I</p> <p>19 don't see any of your Bates ranges on</p> <p>20 these. I know you have produced message</p> <p>21 pads but those have your Bates range</p> <p>22 numbers on them and I'm wondering if</p> <p>23 these are different documents.</p> <p>24 MS. McCAWLEY: It's the same, just</p> <p>25 ours have the Bates underneath them.</p> |

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1 G Maxwell - Confidential
 2 These were produced as part of the rule
 3 26 discovery. We can get the additional
 4 Bates if you want.
 5 Q. The one I'm asking about first is
 6 the [REDACTED]. You can look at that and then
 7 I will identify the Bates number referenced
 8 in this case.
 9 I want to direct your attention to
 10 the top right-hand corner just so I have an
 11 understanding of how these messages were
 12 taken. So I see that it says at the top it
 13 says in the for line it says Ms. Maxwell and
 14 the date of [REDACTED] and then I see under the
 15 M line it looks like Necole Hesse or
 16 something like that, a phone number and a
 17 message saying returning your call and on the
 18 bottom it looks like [REDACTED].
 19 Explain to me, is this -- does this
 20 represent [REDACTED] taking down a message for you
 21 from Ms. Hesse, is that how these work?
 22 MR. PAGLIUCA: Objection to the
 23 form and foundation. Go ahead.
 24 Q. My question is, I'm trying to
 25 understand how the messages were taken.

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1 G Maxwell - Confidential
 2 Looking at this message pad, where it says
 3 signed [REDACTED], can you tell me who [REDACTED] was?
 4 A. I cannot.
 5 Q. You do not know.
 6 Typically when these messages were
 7 taken in your practice when you were there,
 8 would the individual who took the message
 9 write their name on the message?
 10 MR. PAGLIUCA: Objection to the
 11 form and foundation.
 12 A. I don't recollect, you can ask who
 13 wrote it so you can find out who it was.
 14 Q. Do you know who Necole Hesse is?
 15 A. I don't.
 16 Q. I'm going to direct your
 17 attention -- do we have a Bates number for
 18 that?
 19 MR. EDWARDS: [REDACTED].
 20 Q. Giuffre [REDACTED] for that one.
 21 I will direct your attention to the
 22 first page which has the [REDACTED] on it.
 23 A. Okay.
 24 Q. Now at the top of that document, on
 25 the right-hand side, the message that reads

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1 G Maxwell - Confidential
 2 for JE, date 1/02/03, message Caroline Casey
 3 and then it's signed GM.
 4 Is that your signature?
 5 A. That's not my handwriting.
 6 Q. Would other people take a message,
 7 how did this process work, is there someone
 8 else in the house with the initials GM?
 9 MR. PAGLIUCA: Objection to the
 10 form and foundation.
 11 A. I cannot answer that. It's not my
 12 handwriting.
 13 Q. I'm trying to understand how this
 14 gets there. If you took a message and didn't
 15 write it down, would someone else record that
 16 message for you?
 17 MR. PAGLIUCA: Objection to the
 18 form and foundation.
 19 A. All I can tell you, this is not my
 20 handwriting so I cannot -- I have no idea
 21 what that is.
 22 Q. Was the practice that, what was the
 23 practice when someone answered the phone with
 24 these message pads, what were they supposed
 25 to do?

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1 G Maxwell - Confidential
 2 A. They were supposed to take a
 3 message and the time and date and give the
 4 message.
 5 Q. Were they supposed to indicate who
 6 took the message?
 7 A. They were but it wasn't -- I don't
 8 really recall the actual process. I can see
 9 from here it looks like you were supposed to
 10 but that's not my handwriting so I can't say
 11 what that was.
 12 Q. Do you know who Caroline Casey is?
 13 A. No, I don't.
 14 Q. Do you know whether Caroline Casey
 15 was under the age of 18?
 16 A. I just testified I couldn't
 17 remember who she was so it would be difficult
 18 to know how old she was.
 19 Q. Do you know if she was coming to
 20 the house to provide massages?
 21 A. I don't remember who she is at all,
 22 so no.
 23 Q. And then I would like to direct
 24 your attention to the message right
 25 underneath it. Which says JE. [REDACTED]

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| <p style="text-align: right;">Page 154</p> <p>1 G Maxwell - Confidential</p> <p>2 and has a phone number and the message says,</p> <p>3 wants to know if she should bring her friend</p> <p>4 [REDACTED] tonight.</p> <p>5 What is that message referring to?</p> <p>6 MR. PAGLIUCA: Objection to the</p> <p>7 form and foundation.</p> <p>8 A. I can't possibly know.</p> <p>9 Q. Did individuals at the house take</p> <p>10 messages for underage girls to come over and</p> <p>11 bring friends for the purpose of providing</p> <p>12 massages?</p> <p>13 MR. PAGLIUCA: Objection to the</p> <p>14 form and foundation.</p> <p>15 A. How would I possibly know what you</p> <p>16 are talking about.</p> <p>17 Q. Did you record messages at the</p> <p>18 house?</p> <p>19 A. It's not my job.</p> <p>20 Q. You did from time to time record</p> <p>21 messages?</p> <p>22 A. Hardly ever.</p> <p>23 Q. But you did from time to time do</p> <p>24 it?</p> <p>25 A. I'm just saying I hardly ever took</p> | <p style="text-align: right;">Page 156</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. In 2003?</p> <p>3 A. The end of 2003?</p> <p>4 Q. January, the beginning.</p> <p>5 A. I don't know, I could have been</p> <p>6 anywhere, Jeffrey and I were leading almost</p> <p>7 separate lives by then.</p> <p>8 Q. If you were at the house that day,</p> <p>9 did you recall seeing anybody by the name of</p> <p>10 [REDACTED]?</p> <p>11 MR. PAGLIUCA: Objection to the</p> <p>12 form and foundation.</p> <p>13 A. I don't know if I was at the house,</p> <p>14 so I can't testify to that.</p> <p>15 Q. Let's flip back to the next page,</p> <p>16 the one we were on before the [REDACTED], the</p> <p>17 message towards the bottom that says, for</p> <p>18 Jeffrey, message of Ghislaine. And it says,</p> <p>19 Would it be helpful to have and then redacted</p> <p>20 come to Palm Beach today to stay here and</p> <p>21 help train new staff with Ghislaine. Who</p> <p>22 were you referring to in that message; do you</p> <p>23 remember?</p> <p>24 MR. PAGLIUCA: Objection to the</p> <p>25 form and foundation.</p> |
| <p style="text-align: right;">Page 155</p> <p>1 G Maxwell - Confidential</p> <p>2 messages, very, very, very, very</p> <p>3 infrequently.</p> <p>4 Q. Do you know if [REDACTED] brought her</p> <p>5 friend [REDACTED] over on that night?</p> <p>6 MR. PAGLIUCA: Objection to the</p> <p>7 form and foundation.</p> <p>8 A. One, I don't know what this message</p> <p>9 is, I don't know if I was in Palm Beach, I</p> <p>10 don't know who [REDACTED] is, I don't know who</p> <p>11 [REDACTED] is and I don't know what this message</p> <p>12 is referring to.</p> <p>13 Q. So on January 2nd of 2003, were you</p> <p>14 in Palm Beach?</p> <p>15 A. I don't know.</p> <p>16 Q. Where would you have been other</p> <p>17 than Palm Beach at the time?</p> <p>18 A. I could have been anywhere.</p> <p>19 Q. Where did you typically live?</p> <p>20 A. What are you asking me?</p> <p>21 Q. So for example, in 2003, where was</p> <p>22 your primary residence, was it wherever</p> <p>23 Jeffrey was living and staying or was it</p> <p>24 independent of that?</p> <p>25 A. What was the date again.</p> | <p style="text-align: right;">Page 157</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. The question is, do you recall this</p> <p>3 message?</p> <p>4 A. I do not recall this message.</p> <p>5 Q. Do you recall training a female</p> <p>6 under the age of 18 at Jeffrey's home?</p> <p>7 MR. PAGLIUCA: Objection to the</p> <p>8 form and foundation.</p> <p>9 A. I never trained a female under the</p> <p>10 age of 18 at Jeffrey's home.</p> <p>11 Q. Did you ever say it would be</p> <p>12 helpful to have a female under the age of 18</p> <p>13 come to Palm Beach today to stay here and</p> <p>14 help train new staff with Ghislaine?</p> <p>15 A. I never asked anyone under the age</p> <p>16 of 18 come to help train new staff.</p> <p>17 Q. I'm going to flip to the next page</p> <p>18 which is [REDACTED].</p> <p>19 A. By the way, that is not my</p> <p>20 handwriting and it's not dated and I couldn't</p> <p>21 possibly tell you who that is.</p> <p>22 Did you hear that?</p> <p>23 Q. You got your testimony on the</p> <p>24 record.</p> <p>25 [REDACTED].</p> |

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1 G Maxwell - Confidential
 2 A. Yes.
 3 MR. EDWARDS: Giuffre [REDACTED].
 4 Q. I'm going to direct your attention
 5 to the top right-hand corner, for Mr.
 6 Epstein, [REDACTED], message [REDACTED], a phone
 7 number and called.
 8 Do you know who [REDACTED] is?
 9 A. I don't.
 10 Q. Do you know that [REDACTED] was 15 at
 11 the time she left this message?
 12 MR. PAGLIUCA: Objection to the
 13 form and foundation.
 14 A. I don't know who [REDACTED] is.
 15 Q. And then I'm going to direct your
 16 attention to the bottom left which is a
 17 message JE message of Jean Luc and the
 18 message says, He just did a good one, 18
 19 years, she spoke to me and said I love
 20 Jeffrey.
 21 Was Jean Luc referring to sex with
 22 an 18 year old in that message?
 23 MR. PAGLIUCA: Objection to the
 24 form and foundation.
 25 A. How could I know what Jean Luc is

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1 G Maxwell - Confidential
 2 referring to.
 3 Q. Do you know if Jean Luc had sex
 4 with an 18 year old that he referenced to
 5 Jeffrey Epstein?
 6 MR. PAGLIUCA: Objection to the
 7 form and foundation.
 8 A. How could I possibly know.
 9 Q. Did Jeffrey Epstein or Jean Luc
 10 ever tell you that Jean Luc had sex with an
 11 18 year old?
 12 MR. PAGLIUCA: Objection to the
 13 form and foundation.
 14 A. I have no idea what you are talking
 15 about.
 16 Q. Did they ever tell you that?
 17 A. I have no recollection of ever
 18 hearing such a ridiculous thing.
 19 Q. I will turn to the next page which
 20 is SAO 2841?
 21 MS. MENNINGER: Do you have the
 22 Bates number?
 23 Q. The bottom right-hand corner, Mr.
 24 Epstein, the date [REDACTED], Ms. Maxwell, it
 25 says, [REDACTED], it says, quote, [REDACTED] is

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1 G Maxwell - Confidential
 2 available on Tuesday, no one for tomorrow.
 3 Is this a message you took?
 4 A. It's not my handwriting and I don't
 5 know who R is.
 6 Q. So when it says Ms. Maxwell in the
 7 line there, is that you calling for Mr.
 8 Epstein?
 9 MR. PAGLIUCA: Objection to the
 10 form and foundation.
 11 A. I didn't write it, I don't know
 12 when this message was taken. I don't even
 13 know what it's referring to and I don't know
 14 what my name is doing on that message pad.
 15 Q. I know you said you only took them
 16 a few times. Do you have a recollection of
 17 taking messages of females who would call the
 18 house to indicate whether or not they were
 19 coming over?
 20 MR. PAGLIUCA: Objection to the
 21 form and foundation.
 22 A. Give me a date range.
 23 Q. On 7/9/04.
 24 A. How would I know if I'm in Palm
 25 Beach, most likely not.

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1 G Maxwell - Confidential
 2 Q. I'm asking if you have a
 3 recollection of taking messages for girls who
 4 would call the house --
 5 A. Girls.
 6 Q. Females, who would call the
 7 house --
 8 A. Over the age of 18.
 9 Q. [REDACTED] is 15.
 10 A. I don't know who [REDACTED] is, so I
 11 can't testify anything to [REDACTED].
 12 Q. Your name is on the message.
 13 A. I didn't put it there and I don't
 14 know what it's doing there.
 15 Q. So your testimony is you didn't
 16 take this message?
 17 A. I obviously didn't take the
 18 message, it's signed by somebody R, it's not
 19 my handwriting. We don't know if I'm in Palm
 20 Beach.
 21 Q. Did you arrange for [REDACTED] to have
 22 his friend [REDACTED] come over on Tuesday of
 23 this week?
 24 A. I don't know who [REDACTED] is so it
 25 would be hard for me to arrange anything with

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1 G Maxwell - Confidential
 2 someone I don't know.
 3 Q. Why is your name reflected on this
 4 message pad?
 5 MR. PAGLIUCA: Objection to the
 6 form and foundation.
 7 A. I have no idea. You would have to
 8 ask whoever took the message.
 9 Q. Did you, in the course of your
 10 work, regularly take messages for Jeffrey
 11 Epstein?
 12 A. I already testified I hardly ever
 13 did.
 14 Q. Would you, in the course of your
 15 work, regularly set up appointments for
 16 females to come over and give massages for
 17 Jeffrey Epstein?
 18 MR. PAGLIUCA: Objection to the
 19 form and foundation.
 20 A. Can you specify, females, you mean
 21 adults over the age of 18.
 22 Q. Did you regularly set up for
 23 Jeffery adults over the age of 18 to come for
 24 massages?
 25 A. I didn't regularly do that, no.

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1 G Maxwell - Confidential
 2 Q. Would you take messages with
 3 respect to females over the age of 18 to come
 4 over for a massage?
 5 A. I already testified I hardly ever
 6 did take messages.
 7 Q. But would you?
 8 A. I already testified, I hardly
 9 ever --
 10 Q. I know hardly ever, but did you?
 11 A. Over the course of time it is
 12 possible I may have taken a couple, I have no
 13 recollection. I hardly ever did and I did so
 14 irregularly that it would hard for me to
 15 pinpoint.
 16 Q. Did you ever take a message for a
 17 female under the age of 18 to come over for a
 18 massage or for any other reason to be with
 19 Jeffrey Epstein?
 20 MR. PAGLIUCA: Object to the form
 21 and foundation.
 22 A. I hardly ever took a message. I
 23 have absolutely no way of knowing, maybe one
 24 of my friends' daughters called to say they
 25 were coming to visit me. I have never taken

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1 G Maxwell - Confidential
 2 messages, I don't know about how I would
 3 possibly know if somebody I spoke to, one or
 4 two times I took a message is, how old they
 5 would be but I have never taken a message
 6 where I was aware of anything being under the
 7 age of 18 and I probably took it so
 8 infrequently, it would be impossible.
 9 Q. Can you turn to [REDACTED] it
 10 should be the next page.
 11 A. Uh-huh.
 12 Q. Do you see at the top, it says, for
 13 Mr. J. 11/8/04 and then the name is
 14 redacted. It says, I have a female for him.
 15 Why would a minor be calling
 16 Jeffrey to say they have a female for him?
 17 Do you know?
 18 MR. PAGLIUCA: Objection to the
 19 form and foundation.
 20 A. First of all, I don't know that's a
 21 minor, I don't know who took the message.
 22 Q. I will represent to you these are
 23 police reports and minor's names have to be
 24 redacted for privacy purposes?
 25 MR. PAGLIUCA: Objection to the

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1 G Maxwell - Confidential
 2 form and foundation.
 3 Q. Do you know why a minor child would
 4 be calling Jeffrey and leaving a message to
 5 say, quote, I have a female for him?
 6 MR. PAGLIUCA: Objection to the
 7 form and foundation.
 8 A. I can't testify anything about this
 9 message, I don't know anything about it.
 10 Q. I'm going to direct your attention
 11 to the next page [REDACTED]. If you look at
 12 the bottom left, you are going to see a
 13 message for Jeffrey, from [REDACTED], it
 14 says she doesn't have a number and left a
 15 message that she called.
 16 Do you know who [REDACTED] is?
 17 A. I do not.
 18 Q. Do you know that [REDACTED] was
 19 13 at the time she placed this call to
 20 Jeffrey?
 21 A. I don't know who [REDACTED] is.
 22 Q. Would Jeffrey regularly have 13
 23 year olds call and leave messages?
 24 MR. PAGLIUCA: Objection to the
 25 form and foundation.

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| <p style="text-align: right;">Page 166</p> <p>1 G Maxwell - Confidential</p> <p>2 A. How would I possibly, these were</p> <p>3 messages taken when I was not at the house</p> <p>4 and I have no idea who they are nor how old</p> <p>5 they are nor anything.</p> <p>6 Q. How do you know you weren't at the</p> <p>7 house on this day?</p> <p>8 A. I was hardly at the house in 2005.</p> <p>9 Q. So you could have been there, you</p> <p>10 just don't know?</p> <p>11 A. In the five days I might have been</p> <p>12 there in 2005, I suppose it's possible but</p> <p>13 it's unlikely.</p> <p>14 MR. PAGLIUCA: Do you know why this</p> <p>15 isn't redacted if you are representing</p> <p>16 all the names of people who are underage</p> <p>17 have been redacted from these records.</p> <p>18 MS. McCAWLEY: I think it was -- my</p> <p>19 assumption is it was a miss by the</p> <p>20 police department.</p> <p>21 Q. I will direct your attention to [REDACTED]</p> <p>22 [REDACTED] so you will skip a page and go back,</p> <p>23 it's the final page in the message pads and</p> <p>24 you will see on the top left for Jeffrey, on</p> <p>25 6/1/2005 from Jean Luc Brunel with a phone</p> | <p style="text-align: right;">Page 168</p> <p>1 G Maxwell - Confidential</p> <p>2 off the record.</p> <p>3 (Recess.)</p> <p>4 AFTERNOON SESSION</p> <p>5 (Time noted: 1:21 p.m.)</p> <p>6 GHISLAINE MAXWELL,</p> <p>7 resumed and testified as follows:</p> <p>8 EXAMINATION BY (Cont'd.)</p> <p>9 MS. McCAWLEY:</p> <p>10 THE VIDEOGRAPHER: It's now 1:21,</p> <p>11 we're starting disk No. 4. We are back</p> <p>12 on the record.</p> <p>13 Q. Ms. Maxwell, before the break, we</p> <p>14 were talking about and I think it's one of</p> <p>15 the exhibits that's marked in front of you,</p> <p>16 I'm not sure of the number, but the police</p> <p>17 report that I showed you earlier today.</p> <p>18 Now that you have knowledge of the</p> <p>19 police report and the criminal investigation</p> <p>20 with respect to Jeffrey Epstein, do you</p> <p>21 believe that Jeffrey Epstein abused any minor</p> <p>22 children?</p> <p>23 MR. PAGLIUCA: Objection to the</p> <p>24 form and foundation.</p> <p>25 A. Can you repeat the question please</p> |
| <p style="text-align: right;">Page 167</p> <p>1 G Maxwell - Confidential</p> <p>2 number. It says, quote, He has a teacher for</p> <p>3 you to teach you how to speak Russian. She</p> <p>4 is two times eight years old. Not blond.</p> <p>5 Lessons are free and you can have your first</p> <p>6 today if you call.</p> <p>7 Do you know whether Jean Luc Brunel</p> <p>8 sent a Russian girl that was 16 years old</p> <p>9 over to Jeffrey Epstein's home?</p> <p>10 MR. PAGLIUCA: Objection to the</p> <p>11 form and foundation.</p> <p>12 A. I do not know.</p> <p>13 Q. Did you ever observe a Russian girl</p> <p>14 that was 16 years old come to Jeffrey</p> <p>15 Epstein's home?</p> <p>16 A. I am not aware of any 16 year old</p> <p>17 Russian girl that I can recall in Jeffrey</p> <p>18 Epstein's home.</p> <p>19 Q. Do you know whether Jeffrey Epstein</p> <p>20 had sex with a 16 year old Russian girl?</p> <p>21 MR. PAGLIUCA: Objection to the</p> <p>22 form and foundation.</p> <p>23 A. I do not know.</p> <p>24 THE VIDEOGRAPHER: It's 12:25.</p> <p>25 This will be the end of disk 3, we are</p> | <p style="text-align: right;">Page 169</p> <p>1 G Maxwell - Confidential</p> <p>2 and break it down so it's more</p> <p>3 understandable.</p> <p>4 Q. Now that you have the police report</p> <p>5 that I showed you this morning that you had</p> <p>6 an opportunity to look at.</p> <p>7 A. You gave it to me, I did not look</p> <p>8 at it.</p> <p>9 Q. The questions that I asked you</p> <p>10 about the police report -- you are aware</p> <p>11 there is a police report?</p> <p>12 A. I am aware there is a police</p> <p>13 report.</p> <p>14 Q. You are aware there was a criminal</p> <p>15 investigation of Jeffrey Epstein?</p> <p>16 A. I am aware that there was that.</p> <p>17 Q. Now that you are aware of those two</p> <p>18 things and having talked to Jeffrey Epstein,</p> <p>19 do you believe Jeffrey Epstein sexually</p> <p>20 abused minors?</p> <p>21 MR. PAGLIUCA: Objection to the</p> <p>22 form and foundation.</p> <p>23 A. Can you reask the second part of</p> <p>24 that question please.</p> <p>25 Q. Sure. The two documents we were</p> |

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| <p style="text-align: right;">Page 242</p> <p>1 G Maxwell - Confidential</p> <p>2 please?</p> <p>3 Q. Is it an obvious lie that you had</p> <p>4 sex toys in Jeffrey Epstein's Palm Beach</p> <p>5 house?</p> <p>6 MR. PAGLIUCA: Objection to the</p> <p>7 form and foundation.</p> <p>8 A. Did Virginia say that?</p> <p>9 Q. I'm asking you a question.</p> <p>10 Is it an obvious lie that you had</p> <p>11 sex toys in Jeffrey Epstein's house?</p> <p>12 A. I don't recall any sex toys.</p> <p>13 Q. If someone said had you sex toys,</p> <p>14 would that be an obvious lie?</p> <p>15 MR. PAGLIUCA: Objection to the</p> <p>16 form and foundation.</p> <p>17 A. Like I said -- can you be more</p> <p>18 specific about the house or whatever, what</p> <p>19 exactly you are referring to, what's a sex</p> <p>20 toy?</p> <p>21 Q. Yes. How would you define a sex</p> <p>22 toy?</p> <p>23 A. No. I need you to define a sex</p> <p>24 toy, I don't have enough knowledge of sex</p> <p>25 toys.</p> | <p style="text-align: right;">Page 244</p> <p>1 G Maxwell - Confidential</p> <p>2 I took of people would only have been</p> <p>3 mainstream type magazine type photos and any</p> <p>4 photos I took could have been very happily</p> <p>5 and expected to be displayed on your parents'</p> <p>6 mantel piece or grandparents' mantel piece.</p> <p>7 Q. Is it a lie that you approached</p> <p>8 females to bring them to Jeffrey Epstein?</p> <p>9 MR. PAGLIUCA: Objection to the</p> <p>10 form and foundation.</p> <p>11 A. Please ask the question, again.</p> <p>12 Q. Sure. Is it a lie that you</p> <p>13 approached females to bring them to Jeffrey</p> <p>14 Epstein?</p> <p>15 A. I don't know what you are asking</p> <p>16 me.</p> <p>17 Q. I'm asking you, if it's a lie that</p> <p>18 you approached females to bring them to</p> <p>19 Jeffrey Epstein?</p> <p>20 MR. PAGLIUCA: Objection to the</p> <p>21 form and foundation.</p> <p>22 A. You are not asking me a good</p> <p>23 question, sorry.</p> <p>24 Q. You don't get to choose the</p> <p>25 questions.</p> |
| <p style="text-align: right;">Page 243</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. I will define it based on the</p> <p>3 dictionary's definition, which is an object</p> <p>4 or device used to sexually stimulate or</p> <p>5 enhance sexual pleasure.</p> <p>6 A. What's your question, please?</p> <p>7 Q. The question is, is it an obvious</p> <p>8 lie that you had sex toys in Jeffrey</p> <p>9 Epstein's Palm Beach house?</p> <p>10 MR. PAGLIUCA: Same objection.</p> <p>11 Q. You can answer.</p> <p>12 A. Like I said, I do not have any</p> <p>13 recollection of sex toys in Jeffrey's house.</p> <p>14 Q. Is it a lie, is it an obvious lie</p> <p>15 that you took pictures of nude girls?</p> <p>16 MR. PAGLIUCA: Object to the form</p> <p>17 and foundation.</p> <p>18 A. We already covered this. Girls we</p> <p>19 are not referring to -- I can only testify to</p> <p>20 taking pictures of adult people and I already</p> <p>21 testified they are not nude, per se. That</p> <p>22 every picture that I ever took and which they</p> <p>23 were very limited, always by request, the</p> <p>24 people would be covered or it would be a hand</p> <p>25 or a foot. There was never any pictures that</p> | <p style="text-align: right;">Page 245</p> <p>1 G Maxwell - Confidential</p> <p>2 A. I would like to answer your</p> <p>3 questions but you are not asking me a</p> <p>4 question that I can answer.</p> <p>5 Q. What about that is causing you</p> <p>6 pause where you can't answer the question?</p> <p>7 A. You are trying to trap me and</p> <p>8 that's not fair, so I already testified that</p> <p>9 I hire people across the board, so I would</p> <p>10 hire architects, decorators, pool people,</p> <p>11 exercise instructors, gardeners, cooks,</p> <p>12 chefs, cleaning people. So I, in the course</p> <p>13 of a very long time when I would hire people</p> <p>14 I hired people to work for Jeffrey. So I'm</p> <p>15 happy to testify to hiring people for every</p> <p>16 possible conceivable proper job that you</p> <p>17 could conceive of within the context of</p> <p>18 Jeffrey's life and homes.</p> <p>19 Q. Is it a lie that you approached</p> <p>20 females to bring them to Jeffrey Epstein for</p> <p>21 the purpose of performing massages?</p> <p>22 MR. PAGLIUCA: Objection to the</p> <p>23 form and foundation.</p> <p>24 A. Again, I have already testified</p> <p>25 that part of the job that I had was to hire</p> |

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| <p style="text-align: right;">Page 250</p> <p>1 G Maxwell - Confidential</p> <p>2 agree to that?</p> <p>3 MR. PAGLIUCA: Objection to the</p> <p>4 form and foundation.</p> <p>5 Q. Are they under the age of 18?</p> <p>6 A. We already established that you can</p> <p>7 be a masseuse in Florida at age 17. That</p> <p>8 does not make it inappropriate.</p> <p>9 A. I'm not saying appropriate or</p> <p>10 inappropriate. I'm just asking if there were</p> <p>11 any exercise instructors that were under the</p> <p>12 age of 18.</p> <p>13 A. I am not aware if anybody was but I</p> <p>14 don't want to full out and say you oh she</p> <p>15 said, we already established you can be a 17</p> <p>16 year old masseuse and have it not be</p> <p>17 something that is not appropriate. So when</p> <p>18 you say that and then you go, well, you come</p> <p>19 back and say something, now we can establish</p> <p>20 that Virginia was 17 but you can be a 17 year</p> <p>21 old legal masseuse, but I am not aware to</p> <p>22 your point.</p> <p>23 Q. Who were the other 17 year old</p> <p>24 masseuses that you were aware of?</p> <p>25 A. I am not aware of any.</p> | <p style="text-align: right;">Page 252</p> <p>1 G Maxwell - Confidential</p> <p>2 Epstein had a sexual preference for underage</p> <p>3 minors?</p> <p>4 MR. PAGLIUCA: Object to the form</p> <p>5 and foundation.</p> <p>6 A. I cannot testify to what</p> <p>7 Jeffrey's --</p> <p>8 Q. You don't know his preference?</p> <p>9 A. You handed me a stack of papers</p> <p>10 from the police reports and that's what I've</p> <p>11 read but I have no knowledge, direct</p> <p>12 knowledge, of what you are referencing.</p> <p>13 Q. So you don't know, you don't know</p> <p>14 in your own mind that Jeffrey Epstein had a</p> <p>15 sexual preference for underage minors, is</p> <p>16 that correct?</p> <p>17 MR. PAGLIUCA: Objection to the</p> <p>18 form and foundation.</p> <p>19 Q. Is that correct?</p> <p>20 A. Please ask the question again.</p> <p>21 Q. You don't know in your own mind</p> <p>22 that Jeffrey Epstein had a sexual preference</p> <p>23 for underage minors?</p> <p>24 MR. PAGLIUCA: Objection to the</p> <p>25 form and foundation. You have to pause,</p> |
| <p style="text-align: right;">Page 251</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. Were there any 16 year year old</p> <p>3 masseuse that you are aware of?</p> <p>4 A. I am not aware.</p> <p>5 Q. Any 15?</p> <p>6 A. I just want to be clear. The only</p> <p>7 person that I am aware of who claims to have</p> <p>8 been a -- we have to -- we established</p> <p>9 Virginia now is 17, given she has changed her</p> <p>10 age so many times. The only person that I am</p> <p>11 aware of that was a masseuse at the time when</p> <p>12 I was present in the house was Virginia.</p> <p>13 Q. Is it an obvious lie that Jeffrey</p> <p>14 Epstein had a sexual preference for underage</p> <p>15 miners?</p> <p>16 MR. PAGLIUCA: Objection to the</p> <p>17 form and foundation.</p> <p>18 A. Can you ask the question again?</p> <p>19 Q. It is it an obvious lie that</p> <p>20 Jeffrey Epstein had a sexual preference for</p> <p>21 underage minors?</p> <p>22 MR. PAGLIUCA: Objection to the</p> <p>23 form and foundation.</p> <p>24 A. Can you ask the question again?</p> <p>25 Q. Is it an obvious lie that Jeffrey</p> | <p style="text-align: right;">Page 253</p> <p>1 G Maxwell - Confidential</p> <p>2 let me object, answer the question.</p> <p>3 Listen to her question, pause, I object,</p> <p>4 you answer.</p> <p>5 Q. So you don't know in your own mind</p> <p>6 that Jeffrey Epstein had a sexual preference</p> <p>7 for underage minors?</p> <p>8 MR. PAGLIUCA: Objection to the</p> <p>9 form and foundation.</p> <p>10 Q. You can answer.</p> <p>11 A. I cannot tell you what Jeffrey's</p> <p>12 story is. I'm not able to.</p> <p>13 Q. Did Jeffrey Epstein have a scheme</p> <p>14 to recruit underage girls to use them for</p> <p>15 purposes of sexual massages?</p> <p>16 MR. PAGLIUCA: Objection to the</p> <p>17 form and foundation.</p> <p>18 A. Can you ask me again, please?</p> <p>19 Q. Did Jeffrey Epstein have a scheme</p> <p>20 to recruit underage girls to recruit them for</p> <p>21 sexual massages?</p> <p>22 MR. PAGLIUCA: Objection to the</p> <p>23 form and foundation.</p> <p>24 A. Can you ask it a different way?</p> <p>25 Q. Did Jeffrey Epstein have a scheme</p> |

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| <p style="text-align: right;">Page 254</p> <p>1 G Maxwell - Confidential</p> <p>2 to recruit underage girls for sexual</p> <p>3 massages?</p> <p>4 MR. PAGLIUCA: Objection to the</p> <p>5 form and foundation.</p> <p>6 Q. If you know.</p> <p>7 A. I don't know what you are talking</p> <p>8 about.</p> <p>9 Q. Is it an obvious lie that Virginia</p> <p>10 Giuffre was a minor the first time she was</p> <p>11 taken to Jeffrey Epstein's house?</p> <p>12 MR. PAGLIUCA: Objection to the</p> <p>13 form and foundation.</p> <p>14 A. So we've already established that</p> <p>15 Virginia was 17 and we have established that</p> <p>16 her mother brought her to the house and that</p> <p>17 she came as a masseuse, age 17, which is</p> <p>18 legal in Florida.</p> <p>19 Q. Would Jeffrey Epstein's assistants</p> <p>20 arrange times for underage girls to come to</p> <p>21 the house for sexual massages?</p> <p>22 MR. PAGLIUCA: Objection to the</p> <p>23 form and foundation.</p> <p>24 A. What are you talking about?</p> <p>25 Q. Sure. Would Jeffrey Epstein's</p> | <p style="text-align: right;">Page 256</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. During any period of time you</p> <p>3 worked, did you observe that?</p> <p>4 A. I did not observe any such</p> <p>5 photographs.</p> <p>6 Q. Are you aware if they took those</p> <p>7 kinds of photos?</p> <p>8 A. I am not aware.</p> <p>9 MR. PAGLIUCA: Can we take a</p> <p>10 five-minute break.</p> <p>11 THE VIDEOGRAPHER: It's 2:58 and we</p> <p>12 are off the record.</p> <p>13 (Recess.)</p> <p>14 THE VIDEOGRAPHER: It's now 3:10.</p> <p>15 We're starting disk No. 6 and we are</p> <p>16 back on the record.</p> <p>17 Q. Ms. Maxwell, was it an obvious lie</p> <p>18 when Virginia said she was sent to Thailand</p> <p>19 by Epstein in September of 2002?</p> <p>20 MR. PAGLIUCA: Objection to the</p> <p>21 form and foundation.</p> <p>22 A. I have no knowledge of Virginia</p> <p>23 being sent to Thailand.</p> <p>24 But may I say something?</p> <p>25 Q. There is not a question pending</p> |
| <p style="text-align: right;">Page 255</p> <p>1 G Maxwell - Confidential</p> <p>2 assistants, I think earlier you mentioned, we</p> <p>3 talked about Sarah Kellen who worked in the</p> <p>4 role as an assistant or Nadia Marcinkova.</p> <p>5 Would Jeffrey Epstein's assistants arrange</p> <p>6 times for underage girls to come over the</p> <p>7 house for sexual massages?</p> <p>8 MR. PAGLIUCA: Objection to the</p> <p>9 form and foundation.</p> <p>10 A. Again, I read the police reports so</p> <p>11 this is all happening according to the police</p> <p>12 reports when I am no longer at the house so I</p> <p>13 can't testify to what Jeffrey's assistants</p> <p>14 did when this kind of activity as alleged in</p> <p>15 the reports.</p> <p>16 Q. So you don't know?</p> <p>17 A. No.</p> <p>18 Q. Would Jeffrey Epstein's assistants,</p> <p>19 meaning Sarah Kellen, Nadia Marcinkova or any</p> <p>20 other assistant that you are aware of from</p> <p>21 the time you worked there take nude</p> <p>22 photographs of underage girls?</p> <p>23 MR. PAGLIUCA: Object to the form</p> <p>24 and foundation.</p> <p>25 A. During what period of time?</p> | <p style="text-align: right;">Page 257</p> <p>1 G Maxwell - Confidential</p> <p>2 unless you want to clarify something.</p> <p>3 Did you want to clarify that?</p> <p>4 A. No, I just wanted to say something.</p> <p>5 Q. Is it an obvious lie when Virginia</p> <p>6 said she was given instructions to maintain</p> <p>7 telephone contact with you while she was in</p> <p>8 Thailand?</p> <p>9 MR. PAGLIUCA: Objection to the</p> <p>10 form and foundation.</p> <p>11 A. Can you repeat the question?</p> <p>12 Q. Is it an obvious lie when Virginia</p> <p>13 said she was given instructions to maintain</p> <p>14 telephone contact with you when she was in</p> <p>15 Thailand?</p> <p>16 MR. PAGLIUCA: Same objection.</p> <p>17 A. I have no idea what instructions</p> <p>18 Virginia was given, if any, when she went to</p> <p>19 Thailand.</p> <p>20 Q. So you know she went to Thailand?</p> <p>21 A. I know she claimed she went to</p> <p>22 Thailand from having read it but given that</p> <p>23 she lied about everything it's hard to know</p> <p>24 what is true and not true.</p> <p>25 Q. Would it make any sense for her to</p> |

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| <p style="text-align: right;">Page 266</p> <p>1 G Maxwell - Confidential</p> <p>2 can see the dates.</p> <p>3 MR. PAGLIUCA: Can you identify a</p> <p>4 Bates number, please.</p> <p>5 Q. [REDACTED], which was at the top says,</p> <p>6 [REDACTED]. I'm going to refer you,</p> <p>7 at the same time, to the flight logs which</p> <p>8 were marked, the thicker document that looks</p> <p>9 like this with all the log entries on it.</p> <p>10 I'm going to refer you to page --</p> <p>11 MR. PAGLIUCA: That's Exhibit No.</p> <p>12 6, correct? I'm trying to keep the</p> <p>13 record straight.</p> <p>14 MS. McCAWLEY: I don't have Exhibit</p> <p>15 numbers on mine. That's Giuffre [REDACTED].</p> <p>16 MR. PAGLIUCA: Hang on one second.</p> <p>17 A. Can you repeat the number please.</p> <p>18 Q. [REDACTED]. And if you will look on</p> <p>19 that page at the entry, under [REDACTED]</p> <p>20 [REDACTED] starting with the [REDACTED] and then it runs</p> <p>21 down to the, looks like the [REDACTED], that first</p> <p>22 entry has President Clinton, Kevin Spacey,</p> <p>23 Chris Tucker, Jeffrey Epstein and the</p> <p>24 initials GM.</p> <p>25 Do you remember taking a trip with</p> | <p style="text-align: right;">Page 268</p> <p>1 G Maxwell - Confidential</p> <p>2 MR. PAGLIUCA: Are you asking her</p> <p>3 to compare the documents or are you</p> <p>4 asking her what her personal knowledge</p> <p>5 is.</p> <p>6 MS. McCAWLEY: I'm asking if she can</p> <p>7 look at the doubts and tell me if she</p> <p>8 recalls that she traveling with</p> <p>9 President Clinton at the same time this</p> <p>10 document reflects Virginia was in</p> <p>11 Thailand.</p> <p>12 A. I can't testify to any dates. I</p> <p>13 couldn't tell you. I can see a date and I</p> <p>14 can see a date but I can't tell you that I</p> <p>15 have a memory of the dates. I have a memory</p> <p>16 of the trip, I don't have a memory of the</p> <p>17 time.</p> <p>18 Q. Who is [REDACTED]?</p> <p>19 A. [REDACTED].</p> <p>20 Q. What is her address?</p> <p>21 A. I don't know.</p> <p>22 Q. Does she live in the United States?</p> <p>23 A. She does.</p> <p>24 Q. In what state?</p> <p>25 A. I believe in New Jersey somewhere.</p> |
| <p style="text-align: right;">Page 267</p> <p>1 G Maxwell - Confidential</p> <p>2 President Clinton during September of 2002?</p> <p>3 MR. PAGLIUCA: Objection to the</p> <p>4 form and foundation.</p> <p>5 A. Can you repeat the question,</p> <p>6 please?</p> <p>7 Q. Do you remember taking a trip with</p> <p>8 President Clinton during September of 2002,</p> <p>9 that's the 21st, it looks like, through the</p> <p>10 27th?</p> <p>11 A. I don't remember the dates. I</p> <p>12 couldn't testify to when we actually did it</p> <p>13 but I do remember the trip itself.</p> <p>14 Q. So you were traveling with Jeffrey</p> <p>15 Epstein and President Clinton at the same</p> <p>16 time Virginia was headed to Thailand, is that</p> <p>17 correct?</p> <p>18 MR. PAGLIUCA: Objection to the</p> <p>19 form and foundation.</p> <p>20 A. I don't know, is that right?</p> <p>21 Q. If you look at September 27 on the</p> <p>22 document that I gave you, the first document</p> <p>23 and then you referred to, if you look in the</p> <p>24 same as above lines, you will see the travel</p> <p>25 group with President Clinton?</p> | <p style="text-align: right;">Page 269</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. Do you have her phone number?</p> <p>3 A. Not memorized.</p> <p>4 Q. Do you have the ability to get her</p> <p>5 phone number?</p> <p>6 A. Of course.</p> <p>7 Q. Has she ever asked -- has [REDACTED]</p> <p>8 [REDACTED] ever asked other girls to come over to</p> <p>9 see Jeffrey Epstein for the purpose of a</p> <p>10 sexual massage?</p> <p>11 MR. PAGLIUCA: Objection to the</p> <p>12 form and foundation.</p> <p>13 A. Can you ask the question again</p> <p>14 please.</p> <p>15 Q. Has [REDACTED] ever asked girls to</p> <p>16 come over to see Jeffrey Epstein for the</p> <p>17 purpose of a sexual massage?</p> <p>18 MR. PAGLIUCA: Object to form and</p> <p>19 foundation.</p> <p>20 A. Can you ask again, please?</p> <p>21 Q. Has [REDACTED] ever asked girls to</p> <p>22 come over to see Jeffrey Epstein for the</p> <p>23 purpose of sexual massage?</p> <p>24 A. I have no personal knowledge.</p> <p>25 Q. What does [REDACTED] do for you?</p> |

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| <p style="text-align: right;">Page 286</p> <p>1 G Maxwell - Confidential</p> <p>2 moment there is such a document, just</p> <p>3 hypothetically, and assuming for the</p> <p>4 moment that it is going to get produced</p> <p>5 somewhere, if it hasn't already been</p> <p>6 produced, obviously that would involve a</p> <p>7 waiver, a future waiver of the</p> <p>8 privilege. I think that's the answer to</p> <p>9 the question.</p> <p>10 Q. Has the document been produced, do</p> <p>11 you know?</p> <p>12 A. You have everything that I have</p> <p>13 given you, so if you can't -- if it's not in</p> <p>14 those documents, I don't know what to tell</p> <p>15 you.</p> <p>16 Q. Your lawyers haven't withheld any</p> <p>17 documents?</p> <p>18 A. They are right here. You can ask</p> <p>19 them.</p> <p>20 Q. I'm asking you.</p> <p>21 A. I don't know what -- they're</p> <p>22 lawyers.</p> <p>23 Q. When we were talking earlier about</p> <p>24 Prince Andrew, I asked you whether you had</p> <p>25 ever given him a gift of a puppet.</p> | <p style="text-align: right;">Page 288</p> <p>1 G Maxwell - Confidential</p> <p>2 hand puppets, all sorts of puppets.</p> <p>3 Q. Is there any puppet you've ever</p> <p>4 seen in Jeffrey Epstein's home in the</p> <p>5 presence of Prince Andrew?</p> <p>6 A. Again, puppet, you know, there is</p> <p>7 lots of types of puppets.</p> <p>8 Q. Any type of puppet.</p> <p>9 A. If you want to give me a</p> <p>10 description of the puppet, I would be perhaps</p> <p>11 be able to say.</p> <p>12 Q. Any type of puppet?</p> <p>13 A. Can you be more detailed?</p> <p>14 Q. Have you ever seen a puppet in</p> <p>15 Jeffrey Epstein's home in the presence of</p> <p>16 Prince Andrew?</p> <p>17 A. My understanding of a puppet is a</p> <p>18 small handheld item you have in a circus. I</p> <p>19 have never seen that.</p> <p>20 Q. Have you ever seen a puppet which</p> <p>21 is defined as a movable model of a person or</p> <p>22 animal that is used in entertainment and</p> <p>23 typically moved either by strings or</p> <p>24 controlled from above or by a hand inside it?</p> <p>25 MR. PAGLIUCA: Objection to the</p> |
| <p style="text-align: right;">Page 287</p> <p>1 G Maxwell - Confidential</p> <p>2 Did you ever, not as a gift, did</p> <p>3 you ever see in the presence of Prince Andrew</p> <p>4 a puppet?</p> <p>5 MR. PAGLIUCA: Objection to the</p> <p>6 form and foundation.</p> <p>7 A. Can you be more direct, please?</p> <p>8 Q. Sure. Were you ever in a room with</p> <p>9 Prince Andrew where there was a puppet?</p> <p>10 MR. PAGLIUCA: Objection to the</p> <p>11 form and foundation.</p> <p>12 A. Can you be more specific please and</p> <p>13 can you bound it by time and be more</p> <p>14 specific, whatever you are actually asking</p> <p>15 me?</p> <p>16 Q. Were you ever in a room with Prince</p> <p>17 Andrew in New York in Jeffrey Epstein's home</p> <p>18 where there was a puppet?</p> <p>19 MR. PAGLIUCA: Objection to the</p> <p>20 form and foundation.</p> <p>21 A. What sort of puppet are you asking</p> <p>22 me?</p> <p>23 Q. Any kind of puppet?</p> <p>24 A. You need to be more descriptive. I</p> <p>25 don't know what you mean by puppet, there is</p> | <p style="text-align: right;">Page 289</p> <p>1 G Maxwell - Confidential</p> <p>2 form and foundation.</p> <p>3 A. I have not seen a puppet that fits</p> <p>4 exactly that description.</p> <p>5 Q. Have you seen any puppet that fits</p> <p>6 any description?</p> <p>7 MR. PAGLIUCA: Objection to the</p> <p>8 form and foundation.</p> <p>9 A. Can you reask the question, please?</p> <p>10 Q. Yes.</p> <p>11 Have you seen any puppet that fits</p> <p>12 any description in the presence of Prince</p> <p>13 Andrew in Jeffrey Epstein's home?</p> <p>14 MR. PAGLIUCA: Objection to the</p> <p>15 form and foundation.</p> <p>16 A. I am not aware of any small</p> <p>17 handheld puppet that was there. There was a</p> <p>18 puppet -- not a puppet -- there was a -- I</p> <p>19 don't know how would you describe it really,</p> <p>20 I don't know how would you describe it. Not</p> <p>21 a puppet, I don't know how you would describe</p> <p>22 it. A caricature of Prince Andrew that was</p> <p>23 in Jeffrey's home.</p> <p>24 Q. Did you use that caricature to put</p> <p>25 the hand of the caricature on Johanna</p> |

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| <p style="text-align: right;">Page 290</p> <p>1 G Maxwell - Confidential</p> <p>2 Sjoberg's breast?</p> <p>3 MR. PAGLIUCA: Objection to the</p> <p>4 form and foundation.</p> <p>5 A. I don't recollect. I recollect the</p> <p>6 puppet but I don't recollect anything around</p> <p>7 the puppet. You characterized puppet, I</p> <p>8 characterize it as, I don't know, as a</p> <p>9 characterization of Andrew.</p> <p>10 Q. Do you recollect asking Virginia</p> <p>11 Roberts to sit on Prince Andrew's lap with</p> <p>12 the caricature of Prince Andrew?</p> <p>13 A. I do not recollect that.</p> <p>14 Q. What do you remember about the</p> <p>15 caricature of the Prince Andrew caricature</p> <p>16 when you were in the presence of Prince</p> <p>17 Andrew, Virginia Roberts and Johanna Sjoberg?</p> <p>18 MR. PAGLIUCA: Objection to the</p> <p>19 form and foundation.</p> <p>20 A. I don't recollect the story as told</p> <p>21 by Johanna or Virginia. I don't even know</p> <p>22 who -- I remember the caricature of Prince</p> <p>23 Andrew and I remember Prince Andrew but I</p> <p>24 don't recall anything else around the</p> <p>25 caricature.</p> | <p style="text-align: right;">Page 292</p> <p>1 G Maxwell - Confidential</p> <p>2 recollect this caricature, you recollect</p> <p>3 Prince Andrew being there. Do you recollect</p> <p>4 a party going on at the time of that</p> <p>5 interaction with Prince Andrew and the</p> <p>6 caricature?</p> <p>7 MR. PAGLIUCA: Objection to the</p> <p>8 form and foundation.</p> <p>9 A. I don't recollect a party -- first</p> <p>10 of all, they weren't really parties -- I</p> <p>11 don't recollect a party -- I don't know what</p> <p>12 you mean by party in the context of that</p> <p>13 scenario.</p> <p>14 Q. Who do you recollect being at the</p> <p>15 home during the time Prince Andrew was there</p> <p>16 with this caricature?</p> <p>17 MR. PAGLIUCA: Objection to the</p> <p>18 form and foundation.</p> <p>19 A. I only recollect myself with Prince</p> <p>20 Andrew, I don't recollect anybody else.</p> <p>21 Q. You don't recollect Jeffrey Epstein</p> <p>22 being there?</p> <p>23 A. Actually, no.</p> <p>24 Q. You don't recollect Johanna Sjoberg</p> <p>25 being there?</p> |
| <p style="text-align: right;">Page 291</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. Did you give it to him?</p> <p>3 A. I did not.</p> <p>4 Q. Who gave it to him?</p> <p>5 A. I don't think it was given to him</p> <p>6 at all.</p> <p>7 Q. Did he bring it?</p> <p>8 A. No.</p> <p>9 Q. Was it something that was at the</p> <p>10 house?</p> <p>11 A. As best I recollect.</p> <p>12 Q. Was it something that you saw at</p> <p>13 the house in advance of Prince Andrew's</p> <p>14 arrival?</p> <p>15 A. Again, I don't real -- I recollect</p> <p>16 the caricature, I recollect Prince Andrew, I</p> <p>17 don't recollect much else around the</p> <p>18 caricature.</p> <p>19 Q. Was there a party going on in the</p> <p>20 house at the time you recollect the</p> <p>21 caricature?</p> <p>22 MR. PAGLIUCA: Objection to the</p> <p>23 form and foundation.</p> <p>24 A. You have to be way more specific?</p> <p>25 Q. Do you remember, you said you</p> | <p style="text-align: right;">Page 293</p> <p>1 G Maxwell - Confidential</p> <p>2 A. No.</p> <p>3 Q. You don't recollect Virginia</p> <p>4 Roberts being there?</p> <p>5 A. No.</p> <p>6 Q. It was just you and Prince Andrew?</p> <p>7 A. I am not saying it was just me and</p> <p>8 Prince Andrew, you are asking me do you</p> <p>9 remember. I only remember Prince Andrew, I</p> <p>10 remember Prince Andrew and the caricature but</p> <p>11 I can't place the caricature and everybody</p> <p>12 else in the same context, the same timeframe</p> <p>13 you are asking me.</p> <p>14 Q. Would Prince Andrew typically</p> <p>15 travel with Secret Service or some sort of</p> <p>16 security when he would come to visit you and</p> <p>17 Jeffrey in New York?</p> <p>18 A. Typically he would have somebody.</p> <p>19 Q. Would they be in the house or</p> <p>20 outside of the house? Would they usually</p> <p>21 stay in the house or outside of the house, in</p> <p>22 other words guarding the doors or would they</p> <p>23 come inside?</p> <p>24 MR. PAGLIUCA: Objection to the</p> <p>25 form and foundation.</p> |

| Page 302 | Page 304 |
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| <p>1 G Maxwell - Confidential</p> <p>2 he and Virginia Roberts were together in the</p> <p>3 presence of Prince Andrew?</p> <p>4 MR. PAGLIUCA: Objection to the</p> <p>5 form and foundation.</p> <p>6 A. I can't speak to what Jeffrey would</p> <p>7 say.</p> <p>8 Q. Has he talked to about Virginia</p> <p>9 Roberts' statement that she was in the</p> <p>10 presence of Prince Andrew?</p> <p>11 MR. PAGLIUCA: Objection to the</p> <p>12 form and foundation.</p> <p>13 A. I have not discussed individual</p> <p>14 presences with Virginia. That's not -- I'm</p> <p>15 only concerned with what I know to be the</p> <p>16 stuff about me. So my focus has always been</p> <p>17 the lies and the obvious lies as something I</p> <p>18 can personally attest to. I cannot possibly</p> <p>19 talk for anything else.</p> <p>20 Q. Has Jeffrey Epstein said to you</p> <p>21 anything along the lines of Virginia is lying</p> <p>22 when she says she met Prince Andrew?</p> <p>23 MR. PAGLIUCA: Objection to the</p> <p>24 form and foundation.</p> <p>25 A. Again, I'm not talking about what</p> | <p>1 G Maxwell - Confidential</p> <p>2 Dubin a massage?</p> <p>3 MR. PAGLIUCA: Objection to the</p> <p>4 form and foundation.</p> <p>5 A. I didn't know that she did say</p> <p>6 that.</p> <p>7 Q. Do you know whether Jeffrey Epstein</p> <p>8 has ever sent anybody to Glenn Dubin to</p> <p>9 perform a massage for him?</p> <p>10 MR. PAGLIUCA: Objection to the</p> <p>11 form and foundation.</p> <p>12 A. I couldn't possibly recollect</p> <p>13 whether he did anything like that.</p> <p>14 Q. Did you ever send anybody, not</p> <p>15 Virginia, anybody else over to Glenn Dubin's</p> <p>16 home for a massage?</p> <p>17 A. Not to the best of my knowledge.</p> <p>18 Q. Do you know one of Alexander</p> <p>19 Dixon's friend by the name of Anuska</p> <p>20 DiGeorgio?</p> <p>21 A. I do recollect a person of that</p> <p>22 name.</p> <p>23 Q. How do you know her?</p> <p>24 A. I don't recollect.</p> <p>25 Q. Did you meet her through Jeffrey?</p> |
| Page 303 | Page 305 |
| <p>1 G Maxwell - Confidential</p> <p>2 she says as regards to other people. I can</p> <p>3 talk to things as regards to me.</p> <p>4 Q. I'm asking if Jeffrey ever said</p> <p>5 that to you?</p> <p>6 A. I don't recollect specific</p> <p>7 conversations along those things.</p> <p>8 Q. You don't recollect him saying that</p> <p>9 to you?</p> <p>10 A. I don't recollect him saying to me</p> <p>11 that Virginia didn't meet Prince Andrew. I'm</p> <p>12 sure that wouldn't be a conversation that we</p> <p>13 would have. It doesn't effect me whether --</p> <p>14 so I'm really only concerned about the lies</p> <p>15 that were told as regards to me.</p> <p>16 Q. Can Jeffrey Epstein confirm or deny</p> <p>17 whether you sent Virginia to give Glenn Dubin</p> <p>18 a massage?</p> <p>19 MR. PAGLIUCA: Objection to the</p> <p>20 form and foundation.</p> <p>21 A. I can't say what Jeffrey would say,</p> <p>22 I can tell you I didn't. I can't tell you</p> <p>23 what anybody else.</p> <p>24 Q. Have you discussed with him</p> <p>25 Virginia's allegation that she gave Glenn</p> | <p>1 G Maxwell - Confidential</p> <p>2 A. I don't recollect.</p> <p>3 Q. Do you recall when you met her?</p> <p>4 A. I do not recollect.</p> <p>5 Q. How many times have you seen Anuska</p> <p>6 DiGeorgio in your life?</p> <p>7 A. The only reason I remember is</p> <p>8 because it's an unusual name but I couldn't</p> <p>9 tell you anything else.</p> <p>10 Q. You didn't see her on a regular</p> <p>11 basis, she wasn't one of your friends?</p> <p>12 A. No.</p> <p>13 Q. Was Anuska DiGeorgio a masseuse?</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. Do you have knowledge of whether</p> <p>16 she had a sexual relationship with Jeffrey</p> <p>17 Epstein?</p> <p>18 A. I have no knowledge of that.</p> <p>19 Q. When was the last time you spoke</p> <p>20 with her?</p> <p>21 A. A very long -- I have no idea.</p> <p>22 Q. Would it be years?</p> <p>23 A. Yes.</p> <p>24 Q. What do you remember about Anuska</p> <p>25 DiGeorgio?</p> |

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| <p style="text-align: right;">Page 306</p> <p>1 G Maxwell - Confidential</p> <p>2 A. Nothing really.</p> <p>3 Q. Do you remember what she looks</p> <p>4 like?</p> <p>5 A. I would just be speculating on how</p> <p>6 I remember. I couldn't describe her.</p> <p>7 Q. Do you recall traveling with her?</p> <p>8 A. I don't.</p> <p>9 Q. Did you ever go to her home?</p> <p>10 A. I don't believe I did.</p> <p>11 Q. Do you know where she lives?</p> <p>12 A. I don't.</p> <p>13 Q. Would you have met her through</p> <p>14 Jeffrey Epstein?</p> <p>15 MR. PAGLIUCA: Objection to the</p> <p>16 form and foundation.</p> <p>17 A. I already testified I don't</p> <p>18 recollect how I met her and I remember her</p> <p>19 because her name is very unusual.</p> <p>20 Q. So what's your -- what recollection</p> <p>21 do you have of her, do you have a specific</p> <p>22 recollection of meeting her somewhere, you</p> <p>23 just don't know when that was or how do you</p> <p>24 know that name Anuska DiGeorgio?</p> <p>25 MR. PAGLIUCA: Objection to the</p> | <p style="text-align: right;">Page 308</p> <p>1 G Maxwell - Confidential</p> <p>2 massages from her.</p> <p>3 Q. Did you ever have any sexual</p> <p>4 interaction with her?</p> <p>5 MR. PAGLIUCA: Object to the form</p> <p>6 and foundation and I'm going to instruct</p> <p>7 you if we're talking about any</p> <p>8 consensual adult contact, you are not</p> <p>9 allowed to answer the question.</p> <p>10 Q. Did you have any sexual contact</p> <p>11 with her in the presence of Jeffrey Epstein?</p> <p>12 MR. PAGLIUCA: Same instruction.</p> <p>13 Q. Did you have any sexual contact</p> <p>14 with her in the presence of anybody other</p> <p>15 than Jeffrey Epstein?</p> <p>16 MR. PAGLIUCA: Same instruction.</p> <p>17 Q. How many massages did you receive</p> <p>18 from Johanna?</p> <p>19 A. I really don't recall but a fair</p> <p>20 amount.</p> <p>21 Q. Did the massages involve sex?</p> <p>22 MR. PAGLIUCA: I'm going to</p> <p>23 instruct you not to answer.</p> <p>24 Q. Have you ever engaged in sex with</p> <p>25 any female?</p> |
| <p style="text-align: right;">Page 307</p> <p>1 G Maxwell - Confidential</p> <p>2 form and foundation.</p> <p>3 A. I don't know why the name is -- I'm</p> <p>4 sorry -- I can't -- I have no idea. I</p> <p>5 recognize the name but that's it.</p> <p>6 Q. Was Johanna Sjoberg a masseuse?</p> <p>7 MR. PAGLIUCA: Objection to the</p> <p>8 form and foundation.</p> <p>9 A. What are you asking me, I'm sorry?</p> <p>10 Q. When Johanna Sjoberg worked for</p> <p>11 Jeffrey Epstein, did she perform massages?</p> <p>12 A. I've testified that when Johanna</p> <p>13 came originally, she came to answer</p> <p>14 telephones. I believe at some point she</p> <p>15 became a masseuse. I don't recollect when</p> <p>16 and I personally had massages from Johanna.</p> <p>17 Q. What did Johanna do for Jeffrey</p> <p>18 Epstein, did she perform massages, anything</p> <p>19 else?</p> <p>20 MR. PAGLIUCA: Objection to the</p> <p>21 form and foundation.</p> <p>22 A. When she came she answered phones</p> <p>23 and at some point, I believe, I don't have</p> <p>24 any firm recollection, but I believe she went</p> <p>25 to school and became a masseuse and I had</p> | <p style="text-align: right;">Page 309</p> <p>1 G Maxwell - Confidential</p> <p>2 MR. PAGLIUCA: I'm going to</p> <p>3 instruct you not to answer.</p> <p>4 MS. McCAWLEY: I want the record to</p> <p>5 reflect that Ms. Maxwell's attorney is</p> <p>6 directing her not to answer this series</p> <p>7 of questions.</p> <p>8 MR. PAGLIUCA: It definitely does.</p> <p>9 Q. Were you responsible for</p> <p>10 introducing Anuska to Jeffrey Epstein?</p> <p>11 MR. PAGLIUCA: Objection to the</p> <p>12 form and foundation.</p> <p>13 A. I already testified that I don't</p> <p>14 really recall Anuska.</p> <p>15 Q. Were you responsible for</p> <p>16 introducing Johanna to Jeffrey Epstein?</p> <p>17 MR. PAGLIUCA: Objection to the</p> <p>18 form and foundation.</p> <p>19 A. Again, I don't like the</p> <p>20 characterization of introduction. Johanna</p> <p>21 came to answer telephones.</p> <p>22 Q. When did you -- were you the person</p> <p>23 who brought or introduced or met Johanna for</p> <p>24 purposes of bringing her to Jeffrey Epstein's</p> <p>25 home?</p> |

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| <p style="text-align: right;">Page 310</p> <p>1 G Maxwell - Confidential</p> <p>2 MR. PAGLIUCA: Objection to the</p> <p>3 form and foundation.</p> <p>4 A. That's not how I would characterize</p> <p>5 that.</p> <p>6 Q. How would you characterize it?</p> <p>7 A. I have testified that I'm</p> <p>8 responsible for finding professional people</p> <p>9 to work in the homes, age appropriate adult</p> <p>10 people, so from pool attendants, to</p> <p>11 gardeners, to chefs, to housekeepers, to</p> <p>12 butlers, to chauffeurs and one of the</p> <p>13 functions was to be able to answer the</p> <p>14 telephones and in the context of finding</p> <p>15 someone to answer the telephones, I did look</p> <p>16 to try to find appropriate people to answer</p> <p>17 the phones.</p> <p>18 Q. So did you find Johanna for</p> <p>19 purposes of that role?</p> <p>20 A. So in the course of looking for</p> <p>21 somebody to answer phones at the house,</p> <p>22 Johanna was one of the people who said that</p> <p>23 she was willing to answer phones.</p> <p>24 Q. Did you approach her at her school</p> <p>25 campus?</p> | <p style="text-align: right;">Page 312</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. Would you visit more than one</p> <p>3 university to try to find individuals to work</p> <p>4 for Jeffrey Epstein?</p> <p>5 A. As I recollect, I think that's, in</p> <p>6 fact, the only university I went to.</p> <p>7 Q. Did you go there more than once?</p> <p>8 A. I think I went twice.</p> <p>9 Q. Who else did you find from that</p> <p>10 university, was there anybody other than</p> <p>11 Johanna?</p> <p>12 A. I don't recollect, I'm sorry.</p> <p>13 Q. We are going to mark this as</p> <p>14 Maxwell 13?</p> <p>15 (Maxwell Exhibit 13, documents,</p> <p>16 marked for identification.)</p> <p>17 Q. Can you take a look at the document</p> <p>18 I put in front of you, please.</p> <p>19 Are you familiar with this</p> <p>20 document?</p> <p>21 A. I'm familiar with this actual</p> <p>22 document.</p> <p>23 Q. How was this document created?</p> <p>24 MR. PAGLIUCA: Objection to the</p> <p>25 form and foundation.</p> |
| <p style="text-align: right;">Page 311</p> <p>1 G Maxwell - Confidential</p> <p>2 MR. PAGLIUCA: Objection to form</p> <p>3 and foundation.</p> <p>4 A. I honestly don't recall how, in</p> <p>5 that moment, how I met Johanna and how she</p> <p>6 came to get the job but...</p> <p>7 Q. Did you typically, in your work for</p> <p>8 Jeffrey Epstein, would you typically go to</p> <p>9 school campuses to try to find individuals to</p> <p>10 work for Jeffrey Epstein?</p> <p>11 MR. PAGLIUCA: Objection to the</p> <p>12 form and foundation.</p> <p>13 A. I never -- what do you mean by</p> <p>14 school? Let's characterize school.</p> <p>15 Q. Any kind of school.</p> <p>16 A. Obviously not. I never went to any</p> <p>17 school with young people. Johanna, I believe</p> <p>18 came from an adult university, as I would</p> <p>19 know in England, so university, I went there</p> <p>20 but I never went, as I best recollect,</p> <p>21 anywhere else.</p> <p>22 Q. Did you -- what university was it</p> <p>23 that you went to?</p> <p>24 A. I don't recall the university that</p> <p>25 she went to right now.</p> | <p style="text-align: right;">Page 313</p> <p>1 G Maxwell - Confidential</p> <p>2 A. I don't know how this document was</p> <p>3 created.</p> <p>4 Q. You were involved in the creation</p> <p>5 of this document?</p> <p>6 A. I think you can see from the date</p> <p>7 that it's 2004, 2005, so no.</p> <p>8 Q. You weren't involved in the</p> <p>9 creation of this document.</p> <p>10 Did you -- we talked earlier about</p> <p>11 Mr. Epstein's house, I'm talking about the</p> <p>12 Palm Beach house where you said there was a</p> <p>13 computer on the desk, that employees had</p> <p>14 access to -- people who worked for Jeffrey</p> <p>15 Epstein may have had access to?</p> <p>16 A. I think anybody could have had</p> <p>17 access to that.</p> <p>18 Q. Was that computer used, if you know</p> <p>19 to keep a log of addresses and phone contact</p> <p>20 information for Jeffrey Epstein?</p> <p>21 A. Are we talking about when this</p> <p>22 document was created.</p> <p>23 Q. In general, was there, on that</p> <p>24 computer during the time that you were</p> <p>25 present with Jeffrey Epstein, was there a</p> |

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| <p style="text-align: right;">Page 314</p> <p>1 G Maxwell - Confidential</p> <p>2 mechanism by which you kept electronic</p> <p>3 information of names and addresses of</p> <p>4 individuals that he knew?</p> <p>5 MR. PAGLIUCA: Objection to the</p> <p>6 form and foundation.</p> <p>7 A. I can't testify to what was on that</p> <p>8 computer or not after I was gone.</p> <p>9 Q. Not when you were gone, when you</p> <p>10 were there. If Jeffrey wanted to call, for</p> <p>11 example, say Les Wexner, would someone be</p> <p>12 able to go to that computer to pull up the</p> <p>13 address information and phone contact</p> <p>14 information for that individual?</p> <p>15 MR. PAGLIUCA: Objection to the</p> <p>16 form and foundation.</p> <p>17 A. I couldn't possibly say.</p> <p>18 Q. Did you ever have to keep track of</p> <p>19 address or phone contact information for</p> <p>20 Jeffrey Epstein?</p> <p>21 A. That was not my job.</p> <p>22 Q. Did you ever do it?</p> <p>23 A. I am not responsible for keeping</p> <p>24 his numbers so that wasn't my job at all.</p> <p>25 Q. But did you ever do it? I know</p> | <p style="text-align: right;">Page 316</p> <p>1 G Maxwell - Confidential</p> <p>2 form and foundation.</p> <p>3 Q. Was there a hard copy book as well</p> <p>4 as something on the computer or was there</p> <p>5 only electronic information on the phone</p> <p>6 numbers?</p> <p>7 MR. PAGLIUCA: Objection to the</p> <p>8 form and foundation.</p> <p>9 A. I can only testify to what I know</p> <p>10 obviously, and I believe that this is a copy</p> <p>11 of a stolen document. I would love to know</p> <p>12 how you guys got it.</p> <p>13 Q. I'm asking during the time you</p> <p>14 worked for Jeffrey Epstein, was there a</p> <p>15 hardcopy document of any kind that kept phone</p> <p>16 numbers for Jeffrey Epstein, if he needed to</p> <p>17 contact someone?</p> <p>18 A. The stolen document I have in front</p> <p>19 of me that you have is what you are referring</p> <p>20 to.</p> <p>21 Q. So there was, during your time when</p> <p>22 you were there, there was no other, you</p> <p>23 mentioned there was information on a</p> <p>24 computer. Was there any hardcopy document</p> <p>25 that you could refer to to find someone's</p> |
| <p style="text-align: right;">Page 315</p> <p>1 G Maxwell - Confidential</p> <p>2 it's not your job but did you ever do it, did</p> <p>3 you ever keep phone contact information for</p> <p>4 him?</p> <p>5 A. During the course of the time we</p> <p>6 were together, if he gave me a telephone</p> <p>7 number, I would give it to an assistant to</p> <p>8 put in the computer, I could do that.</p> <p>9 Q. Would he ask you for contact</p> <p>10 information for different individuals, if he</p> <p>11 wanted to contact someone?</p> <p>12 MR. PAGLIUCA: Objection to the</p> <p>13 form and foundation.</p> <p>14 A. In the course of the long period of</p> <p>15 time when I was there, it certainly would be</p> <p>16 possible for him to ask me for a telephone</p> <p>17 number and if I had the -- I wouldn't always</p> <p>18 have it -- I'm sure it happened.</p> <p>19 Q. Was there a hardcopy book in</p> <p>20 addition to the computer, a hardcopy book</p> <p>21 that you could look for numbers that were</p> <p>22 relevant to Jeffrey Epstein's life and</p> <p>23 something on the computer or was it just an</p> <p>24 electronic version?</p> <p>25 MR. PAGLIUCA: Objection to the</p> | <p style="text-align: right;">Page 317</p> <p>1 G Maxwell - Confidential</p> <p>2 number?</p> <p>3 A. You have the stolen document in</p> <p>4 front of you.</p> <p>5 Q. You had access to this when you</p> <p>6 worked for Jeffrey Epstein?</p> <p>7 A. This is, I believe, the book that</p> <p>8 was stolen, that was the hardcopy of whatever</p> <p>9 was there.</p> <p>10 Q. So when you were working for</p> <p>11 Jeffrey Epstein, you were able to access this</p> <p>12 book?</p> <p>13 A. This book -- if this is what this</p> <p>14 is, I believe it was, this is the stolen</p> <p>15 document from his house.</p> <p>16 Q. And you were able to access it when</p> <p>17 you worked for him?</p> <p>18 A. It was a document that was printed</p> <p>19 that you could, if you needed to, look for a</p> <p>20 number.</p> <p>21 Q. Do you know how this book was</p> <p>22 created?</p> <p>23 A. No.</p> <p>24 Q. When you referred to it a moment</p> <p>25 ago, to a stolen document, when Alfredo</p> |

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| <p style="text-align: right;">Page 318</p> <p>1 G Maxwell - Confidential</p> <p>2 Rodriguez turned this document over to the</p> <p>3 FBI, are you aware he described it as a</p> <p>4 document that came from your computer?</p> <p>5 MR. PAGLIUCA: Objection to the</p> <p>6 form and foundation.</p> <p>7 A. I have no idea what he said or</p> <p>8 didn't say, so if you want me to reference</p> <p>9 something he said, you need to show it to me.</p> <p>10 Q. Did you keep this document, an</p> <p>11 electronic copy of it, on your personal</p> <p>12 computer?</p> <p>13 A. I don't recollect.</p> <p>14 Q. If you had to update something, for</p> <p>15 example, if there was a new number, a new</p> <p>16 individual that Jeffrey had hired that you</p> <p>17 were going to track, would you input that</p> <p>18 information into this document on your</p> <p>19 computer?</p> <p>20 MR. PAGLIUCA: Objection to the</p> <p>21 form and foundation.</p> <p>22 A. I've already testified that I'm not</p> <p>23 responsible for updating and keeping these</p> <p>24 records.</p> <p>25 Q. Did you have this document on your</p> | <p style="text-align: right;">Page 320</p> <p>1 G Maxwell - Confidential</p> <p>2 2004, 2005, so, no.</p> <p>3 Q. But I'm sorry, correct me if I'm</p> <p>4 misunderstanding your testimony, I thought</p> <p>5 you said when you were working with Jeffrey,</p> <p>6 that this document existed and it was</p> <p>7 something you utilized?</p> <p>8 A. I can't possibly tell you what</p> <p>9 numbers were added or not added subsequent to</p> <p>10 my departure.</p> <p>11 Q. So you can't recall if you added</p> <p>12 any of these numbers?</p> <p>13 MR. PAGLIUCA: Objection to the</p> <p>14 form and foundation, mischaracterizes</p> <p>15 the witness' testimony.</p> <p>16 Q. Are there any numbers on here or</p> <p>17 names that you recognize that you would have</p> <p>18 entered into this section?</p> <p>19 A. I already testified that I'm not</p> <p>20 responsible for inputting numbers and names</p> <p>21 into this so I would not be able to tell you.</p> <p>22 Q. Are there any names or numbers</p> <p>23 under this section, Massage Florida, that you</p> <p>24 would have provided to an assistant to input</p> <p>25 into this document?</p> |
| <p style="text-align: right;">Page 319</p> <p>1 G Maxwell - Confidential</p> <p>2 computer, your personal computer?</p> <p>3 A. I told you, I don't recollect</p> <p>4 having this document on my computer.</p> <p>5 Q. Do you know what computers this</p> <p>6 document was on, if more than one?</p> <p>7 A. I'm sorry, this is a long time ago</p> <p>8 and I don't recall exactly how this was all</p> <p>9 managed.</p> <p>10 Q. If you didn't create this document,</p> <p>11 do you know who did?</p> <p>12 MR. PAGLIUCA: Objection to the</p> <p>13 form and foundation.</p> <p>14 A. I don't.</p> <p>15 Q. I'm going to direct your attention</p> <p>16 to part of this document. It's towards the</p> <p>17 back, it's going to be page 91 and it has</p> <p>18 bates label Giuffre 001663. I'm going to</p> <p>19 direct your attention to the section that</p> <p>20 says, Massage Florida.</p> <p>21 Did you input any of the names or</p> <p>22 numbers under that section?</p> <p>23 MR. PAGLIUCA: Objection to form</p> <p>24 and foundation.</p> <p>25 A. So this document is produced in</p> | <p style="text-align: right;">Page 321</p> <p>1 G Maxwell - Confidential</p> <p>2 A. I can't possibly say.</p> <p>3 Q. Do you see under Massage Florida,</p> <p>4 about halfway down the first column, do you</p> <p>5 see a number that says Johanna's cell?</p> <p>6 MR. PAGLIUCA: What page?</p> <p>7 Q. It's 91, Bates number 001663.</p> <p>8 About halfway down, it says in the first</p> <p>9 column, it says Johanna's cell.</p> <p>10 Do you see that?</p> <p>11 A. I do.</p> <p>12 Q. Would you have provided after, I</p> <p>13 know you didn't hire her, Jeffrey hired her</p> <p>14 but after you brought her to Jeffrey, would</p> <p>15 you have given her cell phone number to an</p> <p>16 assistant to input into this document?</p> <p>17 MR. PAGLIUCA: Objection to form</p> <p>18 and foundation.</p> <p>19 A. I didn't bring her to Jeffrey, the</p> <p>20 way you characterize and I would have no</p> <p>21 knowledge of how this number ended up in this</p> <p>22 book.</p> <p>23 Q. I believe you, and I will try to</p> <p>24 use your words so we are clear, you met</p> <p>25 Johanna, is that correct?</p> |

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| <p style="text-align: right;">Page 322</p> <p>1 G Maxwell - Confidential</p> <p>2 A. Yes.</p> <p>3 Q. And then she began working for</p> <p>4 Jeffrey?</p> <p>5 A. Yes.</p> <p>6 Q. Would you have provided whomever</p> <p>7 was in charge of keeping this updated with</p> <p>8 Johanna's cell number so you would be able to</p> <p>9 contact her if needed?</p> <p>10 MR. PAGLIUCA: Objection to the</p> <p>11 form and foundation.</p> <p>12 A. I don't know. It could have been a</p> <p>13 number of different ways, it it could have</p> <p>14 been Jeffrey who gave it to somebody.</p> <p>15 Q. You just don't remember doing that?</p> <p>16 A. I do not.</p> <p>17 Q. Now, as you look -- I want you to</p> <p>18 take a look at the Florida massage list, it's</p> <p>19 three columns there.</p> <p>20 Do you, as you look at those names</p> <p>21 on the various columns, do you know the ages</p> <p>22 of any of the girls in this list?</p> <p>23 A. I don't know. One, I don't know</p> <p>24 who all the people are on this list and I</p> <p>25 certainly don't know the ages.</p> | <p style="text-align: right;">Page 324</p> <p>1 G Maxwell - Confidential</p> <p>2 number of masseuses listed under the Florida</p> <p>3 massage section?</p> <p>4 A. When I was there, I would have, of</p> <p>5 course there would have been some masseuses</p> <p>6 listed but I could not tell you who or how</p> <p>7 many and this -- I could not possibly because</p> <p>8 I wouldn't remember.</p> <p>9 Q. Do you know why Jeffrey would have</p> <p>10 had so many names listed under his massage</p> <p>11 Florida?</p> <p>12 MR. PAGLIUCA: Objection to form</p> <p>13 and foundation.</p> <p>14 A. I can't testify to why Jeffrey has</p> <p>15 so many.</p> <p>16 Q. Did he use a different masseuse</p> <p>17 every day?</p> <p>18 MR. PAGLIUCA: Objection to the</p> <p>19 form and foundation.</p> <p>20 Q. You can answer.</p> <p>21 A. When I was there he had a massage</p> <p>22 roughly every day, one masseuse, and mostly</p> <p>23 he would have them at random times, so it</p> <p>24 would be difficult if you just only had one</p> <p>25 person, man, woman, for an adult massage, to</p> |
| <p style="text-align: right;">Page 323</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. Do you know what their</p> <p>3 qualifications are?</p> <p>4 A. I don't know who the people are in</p> <p>5 general so of course I don't know what their</p> <p>6 qualifications are.</p> <p>7 Q. Do you know why Jeffrey has so many</p> <p>8 masseuses listed in Florida in his book here?</p> <p>9 MR. PAGLIUCA: Objection to the</p> <p>10 form and foundation.</p> <p>11 A. Again, this book was created post</p> <p>12 my departure, so I couldn't explain why all</p> <p>13 these people were here.</p> <p>14 Q. When you were there, you said this</p> <p>15 book existed?</p> <p>16 A. Yes.</p> <p>17 Q. So when you were there, were there</p> <p>18 a number of masseuses listed under the</p> <p>19 Florida massage?</p> <p>20 MR. PAGLIUCA: Objection to the</p> <p>21 form and foundation and</p> <p>22 mischaracterization of the witness'</p> <p>23 testimony.</p> <p>24 Q. I'm asking you a question.</p> <p>25 When you were there, were there a</p> | <p style="text-align: right;">Page 325</p> <p>1 G Maxwell - Confidential</p> <p>2 come and be available for whatever time it</p> <p>3 was. So he would have more than one person</p> <p>4 that he could call for a massage because at</p> <p>5 any given time the one that he called first</p> <p>6 may not have been available.</p> <p>7 Q. So would it typically be a</p> <p>8 different person each day that would give him</p> <p>9 a massage?</p> <p>10 MR. PAGLIUCA: Objection to the</p> <p>11 form and foundation.</p> <p>12 A. It would be, when I was there,</p> <p>13 based on availability.</p> <p>14 Q. Would it surprise you to learn that</p> <p>15 the Federal Government found that some of the</p> <p>16 girls on this list under massage Florida were</p> <p>17 under the age of 18?</p> <p>18 MR. PAGLIUCA: Objection to the</p> <p>19 form and foundation.</p> <p>20 A. I can't testify to what the</p> <p>21 government found or did not find because I</p> <p>22 would have no knowledge of it.</p> <p>23 Q. I'm asking if you would be</p> <p>24 surprised by that?</p> <p>25 MR. PAGLIUCA: Form and foundation.</p> |

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| <p style="text-align: right;">Page 326</p> <p>1 G Maxwell - Confidential</p> <p>2 A. I have knowledge of it. I can't</p> <p>3 speculate.</p> <p>4 Q. On the second column, towards the</p> <p>5 bottom, there is the name, it's one up from</p> <p>6 the bottom, there is the name Gwendolyn Beck,</p> <p>7 do you know Gwendolyn Beck?</p> <p>8 A. I do.</p> <p>9 Q. Who is she?</p> <p>10 A. She was a friend of Jeffrey's.</p> <p>11 Q. Is she a masseuse?</p> <p>12 A. She, I don't think she was a</p> <p>13 masseuse, no.</p> <p>14 Q. Why would be she listed under</p> <p>15 Florida massages?</p> <p>16 A. An input error.</p> <p>17 Q. Is this list any individual that</p> <p>18 would have sex with Jeffrey?</p> <p>19 MR. PAGLIUCA: Objection to the</p> <p>20 form and foundation.</p> <p>21 A. I wouldn't have any knowledge of</p> <p>22 that.</p> <p>23 Q. Do you know if Jeffrey had sex with</p> <p>24 Gwendolyn Beck?</p> <p>25 MR. PAGLIUCA: Object to the form</p> | <p style="text-align: right;">Page 328</p> <p>1 G Maxwell - Confidential</p> <p>2 around. I can't testify to that.</p> <p>3 Q. Were you around in 2004, 2005?</p> <p>4 A. I already testified that I was</p> <p>5 there when Jeffrey's mother passed away and</p> <p>6 so you know, I did visit for her passing and</p> <p>7 I believe I was there for a couple of days in</p> <p>8 2005.</p> <p>9 Q. So if an employee of Mr. Epstein in</p> <p>10 2004 said that you were the employee's direct</p> <p>11 supervisor, would that be incorrect?</p> <p>12 MR. PAGLIUCA: Objection to form</p> <p>13 and foundation.</p> <p>14 A. What employee, what's the</p> <p>15 circumstances and what is the story, I don't</p> <p>16 know what you are asking me.</p> <p>17 Q. If Alfredo Rodriguez said in 2004</p> <p>18 when he was hired, you were his direct</p> <p>19 supervisor, would that be true?</p> <p>20 A. No.</p> <p>21 Q. Were you in 2004 supervising Sarah</p> <p>22 Kellen?</p> <p>23 MR. PAGLIUCA: Objection to form</p> <p>24 and foundation.</p> <p>25 A. I never supervised Sarah Kellen.</p> |
| <p style="text-align: right;">Page 327</p> <p>1 G Maxwell - Confidential</p> <p>2 and foundation.</p> <p>3 A. First of all, I wouldn't have any</p> <p>4 knowledge of that.</p> <p>5 MS. McCAWLEY: We are going to take</p> <p>6 a quick break.</p> <p>7 THE VIDEOGRAPHER: It's now 4:39</p> <p>8 and we are off the record.</p> <p>9 (Recess.)</p> <p>10 THE VIDEOGRAPHER: It's now 4:54</p> <p>11 and we are as back on the record</p> <p>12 starting disk number 8.</p> <p>13 Q. Ms. Maxwell, we were talking</p> <p>14 earlier about the journal and I believe you</p> <p>15 said in 2004, 2005, you were no longer</p> <p>16 working and responsible for that journal, is</p> <p>17 that correct?</p> <p>18 MR. PAGLIUCA: Objection to the</p> <p>19 form and foundation.</p> <p>20 A. What are we referring to, this</p> <p>21 document right here?</p> <p>22 Q. Yes.</p> <p>23 A. I don't know who is the author of</p> <p>24 this or I can't tell you what is in here</p> <p>25 versus what would have been here when I was</p> | <p style="text-align: right;">Page 329</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. Did Sarah Kellen take orders from</p> <p>3 you?</p> <p>4 MR. PAGLIUCA: Objection to the</p> <p>5 form and foundation.</p> <p>6 A. She worked for Jeffrey.</p> <p>7 Q. If Alfredo Rodriguez said you had</p> <p>8 knowledge of underage girls coming to</p> <p>9 Jeffrey's home for the purpose of sex, would</p> <p>10 you contend that that is truthful?</p> <p>11 MR. PAGLIUCA: Objection to the</p> <p>12 form and foundation of the question.</p> <p>13 A. I have no idea what you are talking</p> <p>14 about, I'm sorry.</p> <p>15 Q. If Alfredo Rodriguez said that you</p> <p>16 have knowledge of underage girls coming to</p> <p>17 Jeffrey's home for the purpose of having</p> <p>18 massages involving sex, would you say that</p> <p>19 that statement is truthful?</p> <p>20 MR. PAGLIUCA: Objection to the</p> <p>21 form and foundation.</p> <p>22 A. I can't testify to what Alfredo</p> <p>23 said or didn't say.</p> <p>24 Q. I'm saying if Alfredo said that you</p> <p>25 had knowledge that there were girls coming</p> |

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| <p style="text-align: right;">Page 330</p> <p>1 G Maxwell - Confidential</p> <p>2 over to the house that were underage for the</p> <p>3 purposes of sex, would that statement be</p> <p>4 true?</p> <p>5 MR. PAGLIUCA: Objection to form</p> <p>6 and foundation.</p> <p>7 A. I can't testify to what Alfredo</p> <p>8 said or didn't say or what he thought.</p> <p>9 Q. Did you have knowledge of underage</p> <p>10 girls coming to Jeffrey Epstein's house for</p> <p>11 the purpose of sex?</p> <p>12 A. No.</p> <p>13 Q. Earlier I believe you testified,</p> <p>14 correct me if I'm wrong, that the document</p> <p>15 that is in front of you, the thicker document</p> <p>16 was a stolen document.</p> <p>17 Do you know who stole that</p> <p>18 document?</p> <p>19 A. I have read that Alfredo stole the</p> <p>20 document.</p> <p>21 Q. And where have you read that?</p> <p>22 A. I believe it was reported in the</p> <p>23 press.</p> <p>24 Q. Earlier we were talking about the</p> <p>25 computers at Jeffrey Epstein's home. Did you</p> | <p style="text-align: right;">Page 332</p> <p>1 G Maxwell - Confidential</p> <p>2 of this document being on it, so I don't know</p> <p>3 where this came from.</p> <p>4 Q. I understand the computer at the</p> <p>5 house that you're referencing. On a personal</p> <p>6 computer of yours, did you have that</p> <p>7 document?</p> <p>8 A. I don't know where this document</p> <p>9 came from, so I can't possibly say this</p> <p>10 document was on any computer that I may have</p> <p>11 had access to.</p> <p>12 Q. On a personal computer of your own,</p> <p>13 did you have lists of the phone numbers and</p> <p>14 contact information relating to Jeffrey</p> <p>15 Epstein?</p> <p>16 A. Like everybody, I have an address</p> <p>17 book but I can't possibly testify to where</p> <p>18 this thing came from.</p> <p>19 Q. Was it your address book or was it</p> <p>20 addresses that related to Jeffrey Epstein?</p> <p>21 MR. PAGLIUCA: Objection to the</p> <p>22 form and foundation.</p> <p>23 A. I don't know what you're asking me.</p> <p>24 Q. On your personal computer, the</p> <p>25 address book you are referencing, was it your</p> |
| <p style="text-align: right;">Page 331</p> <p>1 G Maxwell - Confidential</p> <p>2 have a computer that was your computer</p> <p>3 located in Jeffrey Epstein's home?</p> <p>4 MR. PAGLIUCA: Objection to form</p> <p>5 and foundation.</p> <p>6 A. I've testified to the computer</p> <p>7 already. Even when I was around, there was a</p> <p>8 computer that people had access to.</p> <p>9 Q. So is Alfredo Rodriguez telling the</p> <p>10 truth when he says that he downloaded that</p> <p>11 book from your computer?</p> <p>12 MR. PAGLIUCA: Objection to the</p> <p>13 form and foundation.</p> <p>14 A. I couldn't possibly tell you what</p> <p>15 Alfredo did or didn't do or said or didn't</p> <p>16 say.</p> <p>17 Q. Was it on your computer?</p> <p>18 A. I already testified I have no idea</p> <p>19 where this document came from.</p> <p>20 Q. Did you have a list of names of</p> <p>21 individuals with contact information for</p> <p>22 Jeffrey Epstein on your personal computer?</p> <p>23 A. Again, that wasn't my computer. I</p> <p>24 already said that was a computer that lots of</p> <p>25 people would have, so I have no recollection</p> | <p style="text-align: right;">Page 333</p> <p>1 G Maxwell - Confidential</p> <p>2 address book with individuals you knew or was</p> <p>3 it an address book for your employer, Jeffrey</p> <p>4 Epstein?</p> <p>5 A. Jeffrey has his situation and I</p> <p>6 have no -- this is Jeffrey's, it came from</p> <p>7 his home, so I can't testify to anything</p> <p>8 about this in that period of time.</p> <p>9 Q. So you didn't have on your computer</p> <p>10 a list of contact information for individuals</p> <p>11 that was related to Jeffrey Epstein?</p> <p>12 A. I don't recall exactly what I had</p> <p>13 back in 2004 and 2005, so I can't say what I</p> <p>14 had back then that relates to his addresses,</p> <p>15 I can't recall.</p> <p>16 Q. So is it possible that someone</p> <p>17 could have downloaded from your personal</p> <p>18 computer a list of names and address that</p> <p>19 were affiliated with Jeffrey Epstein?</p> <p>20 MR. PAGLIUCA: Objection to the</p> <p>21 form and foundation.</p> <p>22 A. This didn't come from any computer</p> <p>23 of mine.</p> <p>24 Q. But is it possible that someone</p> <p>25 could have downloaded a list of names and</p> |

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| <p style="text-align: right;">Page 334</p> <p>1 G Maxwell - Confidential</p> <p>2 addresses affiliated with Jeffrey Epstein</p> <p>3 from your computer?</p> <p>4 MR. PAGLIUCA: Objection to the</p> <p>5 form and foundation.</p> <p>6 A. I already said, I didn't have a</p> <p>7 computer there, so I don't know where this</p> <p>8 came from, I have no idea.</p> <p>9 Q. I'm going to read to you some</p> <p>10 testimony from Alfredo Rodriguez's deposition</p> <p>11 and it's on page 370 and I want to ask you a</p> <p>12 question about it, if it's true or false?</p> <p>13 MR. PAGLIUCA: I'm going to object</p> <p>14 unless you show the witness the</p> <p>15 document.</p> <p>16 MS. McCAWLEY: I will pass it. We</p> <p>17 are not going to mark it. We will skip</p> <p>18 it.</p> <p>19 Q. Did you ever tell Alfredo Rodriguez</p> <p>20 that he better watch out and better keep his</p> <p>21 mouth shut with respect to what occurred at</p> <p>22 Mr. Epstein's home?</p> <p>23 MR. PAGLIUCA: Objection to the</p> <p>24 form and foundation.</p> <p>25 A. It doesn't sound like anything I</p> | <p style="text-align: right;">Page 336</p> <p>1 G Maxwell - Confidential</p> <p>2 reference to this case with any, anything you</p> <p>3 just mentioned, I never threatened anyone.</p> <p>4 Q. Have you ever directed anyone to</p> <p>5 call any witnesses relevant to this case and</p> <p>6 threaten them not to testify?</p> <p>7 MR. PAGLIUCA: Objection to the</p> <p>8 form and foundation.</p> <p>9 A. I never done such a thing.</p> <p>10 Q. Did Jeffrey Epstein or you ever ask</p> <p>11 any female, regardless of age, to carry</p> <p>12 Jeffrey's baby for him?</p> <p>13 MR. PAGLIUCA: Objection to the</p> <p>14 form and foundation.</p> <p>15 Q. Or anything along those lines?</p> <p>16 MR. PAGLIUCA: Objection to the</p> <p>17 form and foundation.</p> <p>18 A. Can you repeat the question,</p> <p>19 please?</p> <p>20 Q. Did you or Jeffrey Epstein ever ask</p> <p>21 any female, regardless of age, to carry</p> <p>22 Jeffrey Epstein's baby for him?</p> <p>23 MR. PAGLIUCA: Objection to the</p> <p>24 form and foundation.</p> <p>25 A. Are you asking --</p> |
| <p style="text-align: right;">Page 335</p> <p>1 G Maxwell - Confidential</p> <p>2 would say.</p> <p>3 Q. Did you ever threaten Alfredo</p> <p>4 Rodriguez in any way if he were to disclose</p> <p>5 information he learned from his employment</p> <p>6 with Jeffrey Epstein?</p> <p>7 MR. PAGLIUCA: Objection to the</p> <p>8 form and foundation.</p> <p>9 A. I'm happy to answer. No, I never</p> <p>10 threatened him in any way.</p> <p>11 Q. Were you concerned that he was</p> <p>12 going to disclose that Jeffrey Epstein was</p> <p>13 trafficking underage girls?</p> <p>14 MR. PAGLIUCA: Objection to the</p> <p>15 form and foundation.</p> <p>16 A. First of all, there are so many</p> <p>17 things wrong with that question, but I have</p> <p>18 no knowledge of what you are talking about.</p> <p>19 Q. Have you ever contacted or</p> <p>20 instructed anyone to contact any witness in</p> <p>21 this case for the purposes of threatening</p> <p>22 them not to testify in this case?</p> <p>23 MR. PAGLIUCA: Objection to the</p> <p>24 form and foundation.</p> <p>25 A. I have never called anybody with</p> | <p style="text-align: right;">Page 337</p> <p>1 G Maxwell - Confidential</p> <p>2 Q. To become pregnant, did you or</p> <p>3 Jeffrey Epstein ever ask any female to become</p> <p>4 pregnant and carry Jeffrey Epstein's baby for</p> <p>5 you or for Jeffrey?</p> <p>6 MR. PAGLIUCA: Objection to form</p> <p>7 and foundation.</p> <p>8 A. You need to be very specific. I</p> <p>9 have no idea what you are talking about.</p> <p>10 That's completely rubbish.</p> <p>11 Q. Did you or Jeffrey Epstein ask any</p> <p>12 female to become pregnant and carry his baby</p> <p>13 for either him or you?</p> <p>14 MR. PAGLIUCA: Objection to the</p> <p>15 form and foundation. Go ahead.</p> <p>16 A. I can't testify to anything Jeffrey</p> <p>17 did or didn't do when I am not present, but I</p> <p>18 have never asked anybody to carry a baby for</p> <p>19 me.</p> <p>20 Q. Or anything along those lines?</p> <p>21 MR. PAGLIUCA: Object to the form</p> <p>22 and foundation.</p> <p>23 Q. I want to make sure we are talking</p> <p>24 about the same thing, not physically carry a</p> <p>25 baby, I mean become pregnant with a baby?</p> |

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1 G Maxwell - Confidential
 2 lawsuit, is that correct?
 3 MR. PAGLIUCA: Objection to the
 4 form and foundation.
 5 A. I have legal advice that I took.
 6 Q. But you knew in early January by
 7 making a statement calling Virginia a liar
 8 that you were subjecting yourself to a legal
 9 dispute with her?
 10 MR. PAGLIUCA: Objection to the
 11 form and foundation.
 12 A. I took legal advice as to what
 13 should be said and not be said and the legal
 14 advice that came from the United Kingdom
 15 was --
 16 MR. PAGLIUCA: You are not allowed
 17 to talk about any legal advice that you
 18 got from anybody that's a lawyer.
 19 A. Sorry.
 20 Q. So is it correct without telling me
 21 what you talked to your lawyers about that
 22 you knew because this is dated January 10
 23 that when you made this statement in early
 24 January, January 2 of 2015 you knew that
 25 calling Virginia a liar would subject you to

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1 G Maxwell - Confidential
 2 a legal action, isn't that correct?
 3 MR. PAGLIUCA: Objection to the
 4 form and foundation. As to what you
 5 knew -- whatever she knows would be
 6 privileged.
 7 MS. McCAWLEY: I'm asking if she
 8 knows. I'm not asking her to tell me
 9 about her privileged communications.
 10 A. All I can say is I asked a question
 11 and received legal advice.
 12 (Maxwell Exhibit 18, email, marked
 13 for identification.)
 14 Q. This is an email dated January 15,
 15 2015 from Jeffrey Epstein to you?
 16 A. Uh-huh.
 17 Q. It states in the first line, do you
 18 want [REDACTED] to come out and say she was the
 19 girlfriend during the time?
 20 MR. PAGLIUCA: Objection to the
 21 form and foundation of the question and
 22 actually the word is [REDACTED], there
 23 is no vowel in there.
 24 MS. McCAWLEY: I was just trying to
 25 pronounce it.

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1 G Maxwell - Confidential
 2 Q. This email reads do you want
 3 [REDACTED], without a vowel, to come out and say
 4 she was the girlfriend during the time.
 5 Who was Jeffrey Epstein referring
 6 to?
 7 A. I believe he was referring to
 8 [REDACTED].
 9 Q. Why was he asking you if you wanted
 10 [REDACTED] to come out and say she was the
 11 girlfriend?
 12 MR. PAGLIUCA: Objection to the
 13 form and foundation.
 14 A. The way the press and you were
 15 characterizing me is I was with Jeffrey
 16 throughout this entire period of time and I
 17 was not.
 18 Q. Was [REDACTED] with Jeffrey during this
 19 period of time?
 20 A. I believe she was.
 21 Q. Did Jeffrey come out and tell the
 22 press it was [REDACTED] and not you that was with
 23 him as he is proposing here?
 24 A. I don't believe he did.
 25 Q. Did you want him to do that?

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1 G Maxwell - Confidential
 2 A. No, I didn't ask him to do
 3 anything. No.
 4 Q. So do you know in January of 2015,
 5 was [REDACTED] his girlfriend?
 6 A. 2015, I have no idea who was his
 7 girlfriend in 2015.
 8 Q. I'm sorry, you are correct.
 9 In the period of 1999 to 2002, was
 10 [REDACTED] his girlfriend?
 11 A. They spent a lot of time together.
 12 Q. Did you talk to [REDACTED] about going
 13 to the press and saying that she was the
 14 girlfriend and not you?
 15 A. I have never spoken to [REDACTED]
 16 Q. Was [REDACTED] offered any money to
 17 make a statement that she was the girlfriend?
 18 MR. PAGLIUCA: Objection to the
 19 form and foundation.
 20 A. I have no idea. I have never
 21 spoken to [REDACTED] and I don't know anything --
 22 I have no idea.
 23 (Maxwell Exhibit 19, email, marked
 24 for identification.)
 25 Q. That's an email from Jeffrey to

EXHIBIT E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----X

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----X

May 18, 2016

9:04 a.m.

C O N F I D E N T I A L

Deposition of JOHANNA SJOBERG, pursuant
to notice, taken by Plaintiff, at the
offices of Boies Schiller & Flexner, 401
Las Olas Boulevard, Fort Lauderdale, Florida,
before Kelli Ann Willis, a Registered
Professional Reporter, Certified Realtime
Reporter and Notary Public within and
for the State of Florida.

1 in your view?

2 A. Yes.

3 Q. Did you ever -- did you at that time
4 wonder why she was traveling with Jeffrey?

5 A. At that time, I did not.

6 Q. Did you later wonder that?

7 A. Yes.

8 Q. And what was your impression?

9 MS. MENNINGER: Objection, vague,
10 speculative.

11 THE WITNESS: I -- we're jumping ahead; is
12 that okay?

13 BY MS. McCAWLEY:

14 Q. Yes, that's okay.

15 A. A few days later, I remember asking her
16 questions to try to figure out her role, why she was
17 there, and she gave me vague answers and was never
18 specific.

19 And so I thought perhaps she just was an
20 assistant, someone that did massages well. I wanted
21 to believe that she was innocent.

22 Q. Did you ever refer to her as being
23 orphan-like?

24 A. I did.

25 Q. And how did that come about?

1 And I can't recall if they were in the main living
2 areas.

3 Q. Did you see them in the stairwell up to
4 the second story of the house?

5 A. I can't recall.

6 Q. Do you know who -- who the people were in
7 those photos? Were you familiar with any of them?

8 A. No.

9 Q. Were you in any of those photos?

10 A. At one point, yes.

11 Q. And were you naked in that photo?

12 A. Topless.

13 Q. Do you recall seeing any naked photos of
14 Virginia Roberts?

15 A. I do not.

16 Q. Where did you go next, after the New York
17 visit?

18 A. I went to the Virgin Islands.

19 Q. And who told you that you would be going
20 to the Virgin Islands?

21 A. He asked me if I wanted to go, and I said
22 I would still like to go.

23 Q. And do you recall who you -- who went with
24 you to the Virgin Islands?

25 A. I believe -- well, I know Virginia was

1 leading.

2 THE WITNESS: Jeffrey Epstein; Ghislaine
3 Maxwell; AP and PK are the two women I do not
4 recall; Virginia Roberts; and myself.

5 BY MS. McCAWLEY:

6 Q. Do you recall how you flew back from the
7 location in the US Virgin Islands?

8 A. They put me on a commercial flight. I
9 wanted to be home in time for Easter.

10 Q. When you say "they," do you recall who
11 made those arrangements for you?

12 A. It could have been Ghislaine.

13 Q. Did you -- do you recall performing
14 massages while you were in the US Virgin Islands?

15 A. Yes.

16 Q. Who was involved in -- was there more than
17 one?

18 A. Yes. I massaged Ghislaine at one point.
19 And I massaged Jeffrey, Virginia and I, both, on the
20 beach.

21 Q. Were you dressed during the massage that
22 was on the beach?

23 A. Yes. Bikinis probably, most likely.

24 Q. Do you recall what Virginia was wearing?

25 A. I believe she was wearing a bathing suit,

1 Q. Did you ever see Ghislaine Maxwell during
2 that trip laying out by the pool?

3 A. There was one time where we were all by
4 the pool, yes.

5 Q. Was Ghislaine Maxwell ever nude or topless
6 by the pool?

7 A. I don't recall. She was nude when she
8 went swimming in the ocean.

9 Q. At that moment in the USVI home, did you
10 observe any photos there of nude females?

11 A. I don't recall.

12 Q. Besides Virginia, who you mentioned, you
13 observed to be young, did you observe any other
14 females that in your view appeared to be essentially
15 under the age of 18?

16 A. No.

17 Q. Did you observe any females who you
18 thought looked young, younger than you?

19 A. No.

20 Q. Do you remember an individual by the name
21 of [REDACTED] that you met during your time with Jeffrey
22 Epstein?

23 A. In Palm Beach?

24 Q. Yes.

25 A. Yes.

1 A. Sarah Kellen was there. Ghislaine was
2 there. That's all I recall.

3 Q. Do you recall why you went on the trip to
4 New Mexico?

5 A. To work.

6 Q. Did you perform massages on that trip?

7 A. Yes.

8 Q. Did you -- do you recall whether you
9 performed massages with Sarah Kellen on that trip?

10 A. No.

11 Q. Do you recall in the New Mexico home ever
12 observing nude photos of females there?

13 A. I don't recall.

14 Q. When you would provide massages, would you
15 provide those massages naked?

16 A. On occasion.

17 Q. On average, would you be naked, if it was
18 100 percent of the time, more than 50 percent of the
19 time?

20 A. Can you repeat it?

21 Q. Sure. When you're performing the
22 massages, can you tell me -- you said on occasion.
23 Over the five years that you worked for him, how
24 often did you perform massages naked?

25 A. Somewhere between 25 and 50 percent of the

1 observed her personality to be?

2 A. Sure. She definitely had a great sense of
3 humor, she loved making jokes. I mean, in a very
4 British way. I don't remember her ever laughing,
5 but she was funny.

6 And I remember just thinking, she -- the
7 first weekend that we flew to the Virgin Islands,
8 she flew the helicopter from Saint, wherever we were
9 to little Saint Jeff [sic] or whatever the name of
10 the island was, and I just thought, wow, who is this
11 woman.

12 Q. Would you say that you respected her?

13 A. Yes.

14 Q. When you ended up getting in the car with
15 her and this other woman and going back to the
16 house, who was driving the car?

17 A. She was driving.

18 Q. And where did she take you?

19 A. She took me to the house in Palm Beach.

20 Q. And can you describe the house in Palm
21 Beach?

22 A. Sure. It's at the end of El Brillo Way,
23 on the Intracoastal. The house was either white or
24 pink. It was pink at one time it may have been
25 painted. It was nothing fancy, it was large, it was

1 something. That's all I recall.

2 Q. Did you go anywhere with Virginia?

3 A. Oh, my gosh, yes. We went to Phantom of
4 the Opera.

5 Q. Who else went?

6 A. I think it was just she and I. I forgot
7 about that. Thank you for that memory.

8 Q. It's my job.

9 Anything else you remember about that day
10 in New York?

11 A. No.

12 Q. You said you had given a massage to
13 Jeffrey while you were there on that trip or was it
14 a subsequent trip?

15 A. That trip.

16 Q. And how did that come to be?

17 A. Either he or somebody asked me to go and
18 do it. Someone showed me to the room, but I don't
19 remember who it was.

20 Q. Can you describe that room?

21 A. Yes. It was high ceilings, dark. There
22 were, like, dark red walls or dark blue walls or
23 dark blue carpeting or something. It had a massage
24 table set up in the middle, and there was a large --
25 I want to say like a 15-foot photo, either photo or

1 Q. Do you know personally whether anyone else
2 had said no to him?

3 A. No.

4 Q. Did anyone ever tell you that they had
5 been in a massage scenario and told him no?

6 A. No.

7 Q. Do you recall when in your trip the
8 massage occurred?

9 A. Well, it was not the day we landed. It
10 must have been that next day that we were there.

11 Q. Do you remember anything else about
12 Virginia from that trip other than the Prince Andrew
13 thing and Phantom of the Opera?

14 A. Well, we were getting ready to leave to go
15 to the airport, and we were waiting. She and I sat
16 on the steps in the foyer. I do remember just kind
17 of asking a few questions to try to understand her
18 role, because at that point now I knew what he
19 wanted from me in the massage. And -- but she did
20 not make it clear to me that she was participating
21 in that. So I was prodding gently to see if there
22 was anything happening that shouldn't have been,
23 because I was getting the impression that she was --
24 she told me she was 17.

25 Q. She told you she was 17?

1 A. Uh-huh.

2 Q. How did that come up?

3 A. I asked her.

4 Q. Was anyone else present during this
5 conversation?

6 A. No.

7 Q. You mentioned in your earlier testimony
8 that she seemed orphan-like.

9 A. Yes.

10 Q. But you said that was something you had
11 said to Ms. McCawley, correct?

12 A. Correct.

13 Q. That was not said at the time?

14 A. Right. No. At the time I was getting an
15 impression that she did not have a family or she had
16 walked away from her family. And it seemed to me,
17 you know, they had just sort of adopted her, not as
18 a child, but they would take care of her.

19 Q. Did you observe anyone speaking to her as
20 a child, like make up your bed?

21 A. No.

22 Q. Did you observe whether she was using
23 drugs during that trip?

24 A. No.

25 MS. McCAWLEY: Objection.

1 celebration or cake with candles. It was just
2 another day.

3 Q. You said that the Virgin Islands were a
4 part of that second trip, as well?

5 A. Yes.

6 Q. And do you remember Ghislaine being part
7 of the Virgin Islands the second time?

8 A. Yes. That's when she called -- went to
9 bed and kissed us all on the head and called us her
10 children.

11 Q. Who were the other participants in that
12 session?

13 A. That's who -- I don't recall who was
14 there. I want to say that [REDACTED] was.

15 Q. But Virginia was not there?

16 A. Virginia was not there.

17 Q. Do you recall the point in time in which
18 Virginia went away?

19 A. Sort of. After the trip to New York, I
20 was given her phone number to call. And I remember
21 one time I tried to get ahold of her. Her boyfriend
22 answered. A boyfriend, I would assume, and he
23 sounded like he was high. And I couldn't find out
24 where she was. And then from there on, she was out
25 of the picture.

1 Q. Do you recall how long after the New York
2 trip that occurred?

3 A. I would say it was probably within a month
4 or two.

5 Q. Did she tell you she was working
6 elsewhere?

7 A. No.

8 Q. Did you ask her?

9 A. No.

10 Q. Did she mention that she was a waitress?

11 A. No.

12 Q. And worked at Taco Bell?

13 A. Huh-huh.

14 Q. Did you speak to her boyfriend or a
15 boyfriend at any other time associated with her?

16 A. No.

17 Q. Did you meet her boyfriend?

18 A. No.

19 Q. Her fiancé?

20 A. No.

21 MS. McCAWLEY: Objection.

22 BY MS. MENNINGER:

23 Q. When you were on the plane with Jeffrey
24 during these two trips, he was present on all of
25 those flights?

1 A. Yes.

2 Q. Did you observe any sexual behavior
3 happening on the plane?

4 A. No. He told me a story of something that
5 had happened one time.

6 Q. Did it involve Ghislaine Maxwell?

7 A. No.

8 Q. Did it involve Virginia Roberts?

9 A. No.

10 Q. And you didn't see anything?

11 A. No.

12 Q. You did give massages to Ghislaine
13 Maxwell, correct?

14 A. Yes.

15 Q. On how many occasions?

16 A. Maybe somewhere between five and 10.

17 Q. Was that over the course of the five
18 years?

19 A. Yes.

20 Q. Was there some point during that five
21 years where Ghislaine Maxwell was not around as
22 much?

23 A. Yes.

24 Q. Do you recall when that was?

25 A. In the middle.

1 Q. Did you know why that might be?

2 A. No.

3 Q. Is that about the time that you started
4 seeing [REDACTED] more frequently?

5 A. Yeah, I guess she was probably in the
6 picture more. Her and Sarah both had kind of been
7 around the most.

8 Q. Did you observe [REDACTED] or Sarah appearing
9 to act like Jeffrey's girlfriend?

10 A. [REDACTED], not Sarah.

11 Q. What did you observe?

12 A. She was just very loving, kissing him.

13 Q. Did you know how old she was?

14 A. I didn't know.

15 Q. So you gave massages to Ghislaine five or
16 10 times. Was there anything unusual about those
17 massages?

18 A. No.

19 Q. You've been quoted in the press perhaps as
20 saying that she wasn't very picky?

21 A. About massage?

22 Q. About her massages.

23 A. Not like Jeffrey, I guess. I mean, saying
24 that meant that, you know, I would do whatever I
25 wanted to do in the massage; whereas, Jeffrey was,

1 like, Do my foot, do my leg. He would kind of
2 narrate what he wanted. She just wanted a massage.
3 So if that makes sense.

4 Q. She may have been naked under a towel --

5 A. Definitely.

6 Q. -- in a regular massage fashion?

7 MS. McCAWLEY: Objection.

8 THE WITNESS: Yes. Actually, I do recall
9 an instance where I was massaging her and
10 Jeffrey came into the room and he did something
11 sort of sexual to her, whether it was fondling
12 her or slapping her butt or something, and she
13 brushed him off like she was embarrassed.

14 BY MS. MENNINGER:

15 Q. So she never asked you to touch her in a
16 sexual manner, correct?

17 A. No.

18 Q. And she did not rub her breasts on you,
19 for example?

20 A. No.

21 MS. McCAWLEY: Objection.

22 BY MS. MENNINGER:

23 Q. She did not demand that you perform oral
24 sex on her?

25 A. No.

1 Q. Did she did not demand that you undress
2 during your massages?

3 A. No.

4 Q. There was nothing from her that was sexual
5 during the massages that you gave to her?

6 MS. McCAWLEY: Objection.

7 THE WITNESS: Correct.

8 BY MS. McCAWLEY:

9 Q. Do you recall when the last time you gave
10 her a massage was?

11 A. I don't recall.

12 Q. Do you recall meeting with her in about
13 2006 when she was in town for some helicopter
14 training?

15 A. I do recall that.

16 Q. Do you recall giving her some massages
17 during that period?

18 A. Yes.

19 Q. Do you remember going out to dinner with
20 her and to a movie?

21 A. I remember to a movie, and I don't
22 remember if we went to dinner. I remember her
23 cooking dinner. That was another way she impressed
24 me: She knew how to cook like a chef. She had done
25 some culinary training.

1 Q. And you guys had a normal type
2 conversation?

3 A. Yes. It was very fun.

4 MS. McCAWLEY: Objection.

5 MS. MENNINGER: I would like to take about
6 a 5-, to 10-minute break, if that's okay.

7 THE VIDEOGRAPHER: Off the record at
8 11:05.

9 (Thereupon, a recess was taken, after
10 which the following proceedings were held:)

11 THE VIDEOGRAPHER: This is the beginning
12 of Disk 2. On the record at 11:25.

13 BY MS. MENNINGER:

14 Q. Hi. I believe when we left off I was
15 asking you about massages that you gave to
16 Ghislaine.

17 Did Ghislaine pay you when she got a
18 massage from you?

19 A. Yes.

20 Q. Do you know how much she paid you?

21 A. I believe it was 200. It was the going
22 rate.

23 Q. The same as you were getting paid by
24 Jeffrey, correct?

25 A. Yes.

1 Q. How much?

2 A. One hundred dollars extra.

3 Can I clarify?

4 Q. Absolutely.

5 A. He didn't ever say he would pay me more,
6 but when the massage was more than just a massage
7 and it was sexual, then he would pay me more.

8 Q. It wasn't a discussion; it's just what
9 happened?

10 A. Correct.

11 Q. Thank you for clarifying.

12 The things that took place with you and
13 Jeffrey behind closed doors were when you were a
14 consenting adult, correct?

15 A. Yes.

16 MS. McCAWLEY: Objection.

17 THE WITNESS: Correct.

18 BY MS. MENNINGER:

19 Q. And you did not have knowledge of what
20 took place with other women behind closed doors and
21 Jeffrey, correct?

22 MS. McCAWLEY: Objection.

23 THE WITNESS: Correct.

24 BY MS. MENNINGER:

25 Q. Do you recall giving an interview to a

1 reporter from the Mail on Sunday?

2 A. Yes.

3 Q. You told that reporter, I believe, that
4 the police report painted a picture that it was a
5 big orgy all the time, but it wasn't?

6 A. What I saw, I did not see anything out in
7 the open sexually. Me, personally.

8 Q. Right. You did not see orgies happening
9 in the pool, for example?

10 A. No.

11 Q. You did not see people engaging in sexual
12 conduct out in the open areas of the home, correct?

13 A. Right.

14 MS. McCAWLEY: Objection.

15 BY MS. MENNINGER:

16 Q. When you became aware of the allegations
17 against Jeffrey, those came as a surprise to you,
18 correct?

19 MS. McCAWLEY: Objection.

20 THE WITNESS: Correct.

21 BY MS. MENNINGER:

22 Q. And the surprise was that it involved
23 underaged girls making that allegation, correct?

24 MS. McCAWLEY: Objection.

25 THE WITNESS: Correct.

1 BY MS. MENNINGER:

2 Q. You were asked some questions with
3 Ms. McCawley about nude photographs that were
4 present in the home? Homes?

5 A. Uh-huh.

6 Q. In Palm Beach, I believe you said there
7 were some in the room where the massage table was?

8 A. Yes.

9 Q. Can you tell me what you recall seeing?

10 A. It wasn't candid photos. They were all,
11 like, staged.

12 Q. Like a model?

13 A. Yes. And my -- I don't recall necessarily
14 knowing any of the people in those photos. I
15 remember at one point there was a photo of myself,
16 but...

17 Q. Were they fully frontally nude or were
18 they staged, like, with, you know, parts of bodies
19 showing?

20 A. I really only remember topless photos. I
21 don't remember full frontal photos.

22 Q. So exposing the breasts, but not exposing
23 the genitalia?

24 A. Not that I recall. And Ghislaine's
25 bathroom, I believe there was a photo of her

1 topless, or a painting.

2 Q. A painting?

3 A. Uh-huh.

4 Q. Did you see any nude or semi-clad photos
5 of young girls?

6 A. No.

7 Q. Preteens, for example?

8 A. No.

9 Q. Something you would consider child
10 pornography?

11 A. Never.

12 Q. Other than in the bathroom or the massage
13 room at the Palm Beach home, do you recall any other
14 place in the Palm Beach home where you saw any of
15 these topless photos of women?

16 A. I remember there being photos everywhere,
17 and the ones that stick out in my memory are the
18 ones -- there was a photo of Ghislaine with the
19 Pope. It would not surprise me if there were naked
20 photos around. I just didn't retain them in my
21 memory.

22 Q. So when you say there were photos
23 everywhere, you mean just photos in general?

24 A. Yes. They had a lot of photos around the
25 house.

1 MS. McCAWLEY: Objection.

2 BY MS. MENNINGER:

3 Q. And Ghislaine was not topless in a photo
4 with the Pope, just so I'm clear?

5 A. Correct.

6 Q. I just want to make sure we get that
7 record really clear.

8 So you recall there being photos
9 everywhere; you just remember a couple sticking out
10 in your brain as being topless?

11 A. Yes.

12 Q. And the walls on the staircase to the
13 upstairs were not just covered with nude
14 photographs, to your recollection?

15 A. To my recollection, I just -- I don't
16 remember.

17 Q. Did you observe what you would consider to
18 be child pornography on any computer in the home?

19 A. No.

20 Q. Did you observe anyone taking photographs
21 of young girls in the home?

22 A. No.

23 Q. The photograph of yourself that you saw,
24 was that something that you had posed for?

25 A. Not, like, professionally. But I was just

1 sitting, and I believe Jeffrey took the photo. I
2 was just sitting on a couch upstairs in the
3 bathroom.

4 Q. It wasn't taken by a hidden camera?

5 A. No. No. I was smiling in the picture.

6 Q. And, likewise, in the New York home, did
7 you see anything -- you described a large painting
8 or a photograph that was in the massage room?

9 A. Yes.

10 Q. Do you recall any other photos of
11 semi-clad or naked females?

12 A. I don't recall.

13 Q. Anything that you would consider to be
14 child pornography that you saw in the New York home?

15 A. No.

16 Q. And, likewise, in New Mexico?

17 A. I don't recall.

18 Q. Do you recall seeing any semi-clad photos
19 in New Mexico at all?

20 A. I do not recall.

21 Q. And the Virgin Islands?

22 A. Yes, in his bathroom, master bathroom.

23 Q. And what do you recall, if anything, about
24 that photo?

25 A. There was a photo of me in there.

1 A. Right.

2 Q. And an increase corresponding to massages
3 you were giving to guests, correct?

4 A. Yes.

5 Q. Did any of the guests for whom you gave a
6 massage mention that they expected something sexual?

7 A. No.

8 Q. Did they ask you to engage in sexual
9 contact and you refused?

10 MS. McCAWLEY: Objection.

11 THE WITNESS: No.

12 BY MS. MENNINGER:

13 Q. Marvin Minsky?

14 A. I don't know that.

15 Q. George Lucas?

16 A. No.

17 Q. Donald Trump?

18 A. No.

19 Q. Did you ever massage Donald Trump?

20 A. No.

21 Q. Sorry, I have to ask, but did you ever
22 have sex with Alan Dershowitz in the back of a
23 limousine with Virginia and Jeffrey present?

24 MS. McCAWLEY: Objection.

25 THE WITNESS: Absolutely not.

1 BY MS. MENNINGER:

2 Q. Do you know who Alan Dershowitz is?

3 A. I do.

4 Q. You would remember --

5 A. I would remember that.

6 Q. Did you ever see Virginia Roberts with any
7 of the people that I just asked you about?

8 A. No.

9 Q. Did Virginia ever talk to you about having
10 been with any of those people?

11 MS. McCAWLEY: Objection.

12 THE WITNESS: No.

13 BY MS. MENNINGER:

14 Q. Did she tell you that she had met any of
15 those people?

16 A. No.

17 Q. I believe you saw in that police report a
18 reference to a friend of Jeffrey named Glenn and his
19 wife?

20 A. Uh-huh.

21 Q. Do you remember them?

22 A. Vaguely.

23 Q. Tell me what you remember.

24 A. I remember they had an apartment in -- on
25 Breakers Row. I went up there and massaged. It may

1 have been more than once, but I only really remember
2 one time. But there was nothing sexual.

3 Q. Neither with the wife, nor with Glenn?

4 A. Right.

5 Q. Do you remember the apartment?

6 A. I only remember that I had to carry my
7 massage table up some stairs.

8 Q. So you actually gave the massage on a
9 massage table?

10 A. Yes.

11 Q. Does that help you place it in time as to
12 when that might have occurred? In other words --

13 A. Well --

14 Q. -- did you get your massage license at
15 some point and a massage table?

16 MS. McCAWLEY: Objection.

17 THE WITNESS: Yes. He bought me my
18 massage table around the time that I went to
19 massage school. So it could have been any time
20 after. If I thought really hard, I could
21 remember when I went to school. But it -- I
22 want to say it's around 2003.

23 BY MS. MENNINGER:

24 Q. Nothing sexual happened with Glenn?

25 A. No.

1 Q. Did Glenn ask you to give him a massage on
2 the floor of the home?

3 A. I don't recall.

4 Q. Did you ever discuss Glenn with Virginia?

5 A. Not to my recollection.

6 Q. Did you ever go to Virginia's home?

7 A. No.

8 Q. Do you know where she lived?

9 A. No.

10 Q. Did she talk about it?

11 A. Not that I remember.

12 Q. Did you see anything in your interactions
13 with Virginia that led you to believe that she was a
14 sex slave?

15 MS. McCAWLEY: Objection.

16 THE WITNESS: No.

17 BY MS. MENNINGER:

18 Q. Did you see anyone forcing her to remain
19 in the home?

20 A. No.

21 Q. Did you see her look traumatized at some
22 point?

23 MS. McCAWLEY: Objection.

24 THE WITNESS: No.

25

1 BY MS. MENNINGER:

2 Q. Did you see anything that led you to
3 believe Virginia Roberts had been trafficked,
4 sexually trafficked to third parties?

5 MS. McCAWLEY: Objection.

6 THE WITNESS: No.

7 BY MS. MENNINGER:

8 Q. Did Virginia ever tell you that she had
9 been trafficked?

10 A. No.

11 MS. McCAWLEY: Objection.

12 BY MS. MENNINGER:

13 Q. Did you hear anyone direct Virginia
14 Roberts to go have sex with someone?

15 A. No.

16 Q. Did Jeffrey ever ask you to go have sex
17 with another person?

18 A. No.

19 Q. Did Ghislaine Maxwell ever ask you to go
20 have sex with another person?

21 A. No.

22 Q. Did Ghislaine Maxwell ever ask you to give
23 a massage to someone else?

24 A. No.

25 Q. Did Ghislaine Maxwell ever ask you to

1 Q. Okay. That's fine.

2 A. Yeah, sure.

3 Q. If it doesn't, it doesn't. I'm just
4 asking.

5 Did Virginia say anything to you about
6 having met Prince Andrew before this time in New
7 York?

8 MS. McCAWLEY: Objection.

9 THE WITNESS: She did not say.

10 BY MS. MENNINGER:

11 Q. Did Prince Andrew say or do anything that
12 led you to believe that he had met Virginia prior to
13 that time?

14 A. I don't recall.

15 Q. Did you ever see Al Gore on the island?

16 A. No.

17 Q. Did you see his wife, Tipper Gore, on the
18 island?

19 A. No.

20 Q. What is your understanding of what the
21 lawsuit we are here today is about?

22 A. I understand that Ghislaine is calling
23 Virginia a liar, and so Ghislaine is suing Virginia.
24 I'm sorry. Strike that. Reverse it.

25 Right, Virginia is suing Ghislaine for

1 always covered himself with a towel.

2 Q. I believe I asked this, but I just want to
3 clarify to make sure that I did: Did Maxwell ever
4 ask you to bring other girls over to -- for Jeffrey?

5 A. Yes.

6 Q. Yes?

7 A. Yes.

8 Q. And what did you -- did you do anything in
9 response to that?

10 A. I did bring one girl named [REDACTED] --
11 no. [REDACTED] -- it was some girl named [REDACTED]
12 that I had worked with at a restaurant. And I
13 recall Ghislaine giving me money to bring her over;
14 however, they never called her to come.

15 Q. And then I believe you mentioned that one
16 of your physical fitness instructors, you brought a
17 physical fitness instructor; was that correct?

18 A. Correct.

19 Q. And what did she do?

20 A. She gave him a -- like a training session,
21 twice.

22 Q. Twice.

23 Did anything sexual in nature happen
24 during the session?

25 A. At one point he lifted up her shirt and

1 exposed her bra, and she grabbed it and pulled it
2 down.

3 Q. Anything else?

4 A. That was the conversation that he had told
5 her that he had taken this girl's virginity, the
6 girl by the pool.

7 Q. Okay. Did Maxwell ever say to you that it
8 takes the pressure off of her to have other girls
9 around?

10 A. She implied that, yes.

11 Q. In what way?

12 A. Sexually.

13 Q. And earlier Laura asked you, I believe, if
14 Maxwell ever asked you to perform any sexual acts,
15 and I believe your testimony was no, but then you
16 also previously stated that during the camera
17 incident that Maxwell had talked to you about not
18 finishing the job.

19 Did you understand "not finishing the job"
20 meaning bringing Jeffrey to orgasm?

21 MS. MENNINGER: Objection, leading, form.

22 BY MS. McCAWLEY:

23 Q. I'm sorry, Johanna, let me correct that
24 question.

25 What did you understand Maxwell to mean

1 expected to have sexual intercourse with Jeffrey?

2 A. Yes.

3 Q. And when was that?

4 A. 2005.

5 MS. McCAWLEY: That's it. I just do want
6 to also put on the record that we're
7 designating the testimony as confidential under
8 the protective order.

9 F U R T H E R E X A M I N A T I O N

10 BY MS. MENNINGER:

11 Q. Okay. You just testified that you have
12 knowledge -- you had knowledge that -- of what
13 Jeffrey was doing behind closed doors with other
14 girls. Was that your testimony?

15 A. Based on what he had told me.

16 Q. Okay. So Jeffrey told you things that he
17 had done with other girls?

18 A. Yes.

19 Q. You did not observe any of those things?

20 A. No.

21 Q. You did not talk to any of those girls
22 about what they had done with Jeffrey behind closed
23 doors?

24 MS. McCAWLEY: Objection.

25

1 Q. When I say "girl," I really mean women,
2 correct?

3 A. Correct.

4 Q. There were other women around who hung out
5 with Jeffrey, and you don't know what they did
6 behind closed doors, correct?

7 A. Correct.

8 Q. So when you heard the implication that she
9 wanted other girls around to take the pressure off
10 of her sexually, in your mind that meant other adult
11 women that he had in his life, correct?

12 MS. McCAWLEY: Objection.

13 THE WITNESS: Correct, doing what I was
14 expected to do in a massage, you know.

15 BY MS. MENNINGER:

16 Q. Ghislaine didn't have anything to do with
17 you bringing this woman over for a physical workout
18 with Jeffrey, correct?

19 A. Correct.

20 Q. She asked you to bring another girl to
21 be -- to perform massages at the home?

22 A. Yes. Well, she was always asking if I
23 knew anyone else. And so I brought this one girl
24 that I didn't even know I worked with her at a
25 restaurant. So I didn't care what she thought of me

1 if anything happened. And so -- but it never turned
2 into anything.

3 Q. She was an adult?

4 A. She was an adult.

5 Q. Working at a restaurant with you?

6 A. Yes.

7 Q. What restaurant was that?

8 A. It's a restaurant that's closed. It's
9 called BD's Mongolian Barbecue.

10 Q. You were asked about the famous people.
11 You said you met Michael Jackson?

12 A. Yes.

13 Q. But you did not give him a massage?

14 A. No.

15 Q. There were other famous people, perhaps,
16 who were around Jeffrey's home that you didn't meet,
17 correct?

18 A. Correct.

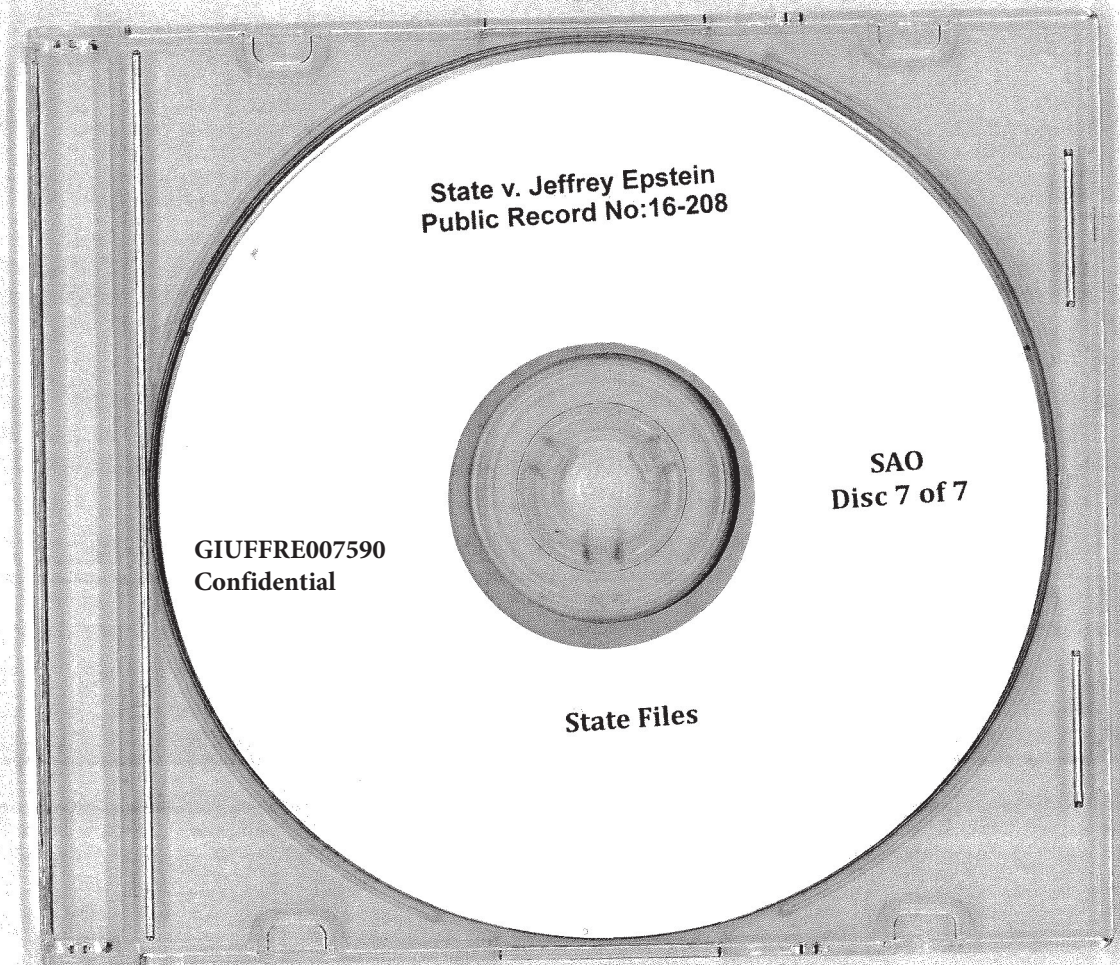
19 Q. Do you know whether Virginia Roberts has
20 told the truth about the age she was when she met
21 Ghislaine Maxwell?

22 MS. McCAWLEY: Objection. Exceeds the
23 scope of cross.

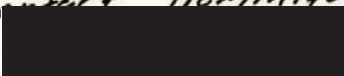
24 THE WITNESS: I don't have any idea what
25 she told them in terms of her age.

Exhibit 2

(File Under Seal)



VEHICLES

| | | |
|---|--|--|
| Mercedes Benz 600
2001 Black
Licence: EO3PRU
→ Lic: U90-BQL <i>Gone To NYC 198</i> | (561) 309-6415 Rear
(561) 379-9390 Front
<i>(Taken by Doug)</i> | Mercedes Benz of Palm Beach
4000 Okeechobee Boulevard
West Palm Beach, FL 33409
Att: Shawn Adison
Tel: (561) 689-6363 |
| Mercedes Benz 600
1997 Black
Licence: G14KCT | (561) 758-1672 Rear
(561) 818-8867 Front | |
| Mercedes Benz 600 Conv
1998 Silver
Licence: RAS85L <i>Gone</i> | (561) 346-7141 | <i>Paint Work & Body Shop</i>
<i>Coach Work</i>
<i>Contact Dominique</i>
 |
| Suburban
2001 Black
Licence: WGE53R <i>Gone to Volvo</i> | (561) 371-1686 | Roger Dean Chevrolet
2235 Okeechobee Boulevard
West Palm Beach, FL 33409
Tel: (561) 683-8100 |
| Crysler Mini Van
1996 White
Licence: WGE52R <i>Gone</i> | (561) 308-5700 | Nestor Auto Repairs
2600 Florida Avenue
West Palm Beach, FL 33401
Tel: (561) 835-0809 |
| Cobra Grand
1993 Green
C97CRJ <i>Kerry's Garage</i> | | Nestor Auto Repairs
2600 Florida Avenue
West Palm Beach, FL 33401
Tel: (561) 835-0809 |
| Volvo
1998 Gold
Mrs Epstein | (561) 686-3707 | Volvo Palm Beach
5544 Okeechobee Boulevard
West Palm Beach, FL 33417
Tel: (561) 471-7600 |
| Oil Well | 900 Southern Boulevard
West Palm Beach, FL 33405
Tel: (561) 835-9374 | Oil change every 3 000 miles |

GIUFFRE007590

Confidential

Registration, insurance and yearly inspection papers to be kept in the glove compartment of each vehicle
Spare keys are kept in the key box in the office


| | | |
|------------------------|---|--|
| Muvico Parisian | City Place
545 Hibiscus Street
West Palm Beach, FL 33401

Tel: (561) 833-0400 | |
|------------------------|---|--|

GROCERY STORES

| | | |
|----------------------------|--|---|
| Bishop Water Co | Tel: (561) 582-1367 <i>Sharon</i> | <i>Sharon</i>
Bottled water (large and small) |
| Carmine Giardini's | 2401 PGA Boulevard, Suite 172
Palm Beach Gardens, FL 33410

Tel: (561) 775-0105
<i>Ex (561) 775-9233</i> | Fish, meat, gourmet foods

 |
| C'est Si Bon | 280 Sunset Avenue
Palm Beach, FL 33480

Tel: (561) 659-6503 | Gourmet foods |
| Publix Super Market | 265 Sunset Avenue
Palm Beach, FL 33480

Tel: (561) 655-4120 | General, cleaning, toiletries |
| Wild Oats | 7735 South Dixie Highway
West Palm Beach, FL 33405

Tel: (561) 585-8800 | Health Foods |

HEALTH & BEAUTY

| | | |
|-----------------|---|--|
| Pharmacy | Greens Pharmacy
151 North County Road
Palm Beach, FL 33480

Tel: (561) 832-4443 | |
| | Lewis Pharmacy
235 South County Road
Palm Beach, FL 33480

Tel: (561) 655-7867 | |

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UTILITIES

| | | |
|----------------------|--|--|
| Water | City of West Palm Beach
226 Cypress Lane
Palm Springs, FL 33461

Tel: (561) 965-5770 | Water shut-off for entire property is located next to the mailbox on the sidewalk. |
| Electricity | Florida Power and Light
General Mailing Facility
Miami, FL 33188-0001

Tel: (561) 697-8000 | |
| Gas | Florida Gas Company
401 South Dixie Highway
West Palm Beach, FL 33401

Tel: (561) 832-0872 | |
| Sewer | City of West Palm Beach
226 Cypress Lane
Palm Springs, FL 33461


Tel: (561) 965-5770 | |
| Trash Removal | City of West Palm Beach
226 Cypress Lane
Palm Springs, FL 33461

Tel: (561) 965-5770 - <i>Water Dept</i>
<i>(561) 965 4022 Trash Removal</i> | Daily (Monday -Friday)
<i>Recycles (Thurs before Noon)</i> |
| Telephone | ETC
2921 N Australian Avenue
West Palm Beach, FL 33407

Tel: (561) 881-8118 | |
| | Bell South

Tel: (561) 780-2611 | |

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| | | |
|--|---|---|
| Plumber
<i>General PLUMBING</i>
<i>561-585-2591</i> | Foster Plumbing
2800 Westgate Avenue
West Palm Beach, FL 33409
Tel: (561) 686-1721 | General plumbing repairs |
| | Roto Rooter
6600 NW 12th Avenue, Suite 213
Fort Lauderdale, FL 33309
Tel: (561) 832-1495 | Blocked drains |
| Pool | Hackl Pools
1331 Central Terrace
Lake Worth, FL 33460
Tel: (561) 588-7493 <i>Valerie</i> | Monday and Thursday at 10:30am
Clean pool, filter, add salt
<i>(Michelle)</i>  |
| Tree Trimming | County Wide Tree Service
Tel: (561) 371-5786 | First Monday in May and November |

STORAGE

| | | |
|--------------------|--|------------------------------|
| Storage USA | 5580 Okeechobee Boulevard
West Palm Beach, FL 33417
Tel: (561) 683-9955 | 10 ft x 20 ft unit available |
|--------------------|--|------------------------------|

VEHICLES

| | | |
|----------------------|---|--|
| Car Detailing | Palm Beach Wash & Auto Detail
1229 N. Dixie Highway
(at Amoco Gas) <i>James?</i>
Tel: (561) 835-8748 | |
|----------------------|---|--|

George
Clean Car Services

7246 W 1st Ave
Boynton Beach FL
33426

G. G.
724 SW 1st Ave.
Boynton Beach, FL
3

MAIL & DELIVERY SERVICES

| | | |
|--------------------|---|--|
| FedEx | 1-800-463-3339 | Account No: [REDACTED]

Drop-off box is next to Palm Beach National Bank on Worth Avenue |
| Post Office | 401 South County Road
West Palm Beach, FL


Tel: (561) 832-0697 | |

MAINTENANCE

| | | |
|---|--|---|
| Air Conditioning | Cassidy Air Conditioning
501 Fern Street
West Palm Beach, FL 33401
Tel: (561) 833-6331
<i>- Kathy</i>
<i>- Kary</i> | Monthly service contract
First Monday of every month
<i>Job Technician</i>
<i>* Bob (Filter Service)</i>
<i>s/c Payment</i> |
| Awnings | American Awning Company
537 Pine Terrace
West Palm Beach, FL 33405
Tel: (561) 832-7123 | <i>Call</i> |
| Cable Service | Adelphia Cable
1401 North Point Parkway
West Palm Beach, FL 33407
Tel: (561) 478-8300 | <i>Call</i> |
| Carpenter | Tel: (561) 994-8906
[REDACTED] | Erwin <i>Ray</i>
<i>Call</i> |
| Carpet Cleaners
<i>Mary Sue</i> | Stanley Steamers
Tel: (561) 586-5700 | Wall to wall
<i>2 - Call</i> |
| | Merry Rugs
Tel: (561) 588-8588 | Loose rugs |
| Computers | Bloomberg
499 Park Avenue
New York, NY 10022
Tel: (212) 318-2100 | Palm Beach consultants:
Chad Bonta
Peter Kapopoulos
<i>Changed</i>
Tel: [REDACTED] |

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TRAVEL

| | | |
|----------------------------|---|--|
| Pilots | Larry Visoski ✓ |  |
| | Dave Rodgers | |
| | Larry Morrison | |
| Mr Epstein's planes | Jet Aviation | (561) 233-7241

Procedure for leaving cars at the airport:
Leave car at Jet Aviation landing strip
Leave the keys in the car
Advise Jet Aviation
Tail #909JE or Tail #908JE
They will tag and pull car to plane upon arrival |
| Ms Maxwell's plane | Raytheon <i>Changed to:</i>

<i>Fly Options</i> | 1-888-835-9782

Contract No: Air 4
Tail # ...TA <i>970 QJ</i>
Always a Beech Jet or Hawker |
| Commercial Airlines | Air France | 1-800-237-2747 |
| | American | 1-800-433-7300 |
| | British Airways | 1-800-247-9297 |
| | Continental | 1-800-525-0280 |
| | Delta | 1-800-221-1212 |
| | South African Airways | 1-800-722-9675 |
| | United | 1-800-241-6522 |
| | US Air | 1-800-428-4322 |

- Carlos Ariza Handy men (561)

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→ Colonial Bank / Worth Ave.
 - Ben Leun
 - Leonor

BANKING

| | | |
|----------------------------------|--|--|
| Household Banking Account | Palm Beach National Bank
125 Worth Avenue
Palm Beach, FL 33480

Tel: (561) 653-5594 | Account No: [REDACTED]
Send to Eric Gany for reconciliation
\$1,000 Petty Cash Float |
|----------------------------------|--|--|

BICYCLES

| | | |
|-----------------|---|---|
| Bicycles | Palm Beach Bicycle Trail Shop
223 Sunrise Avenue
Palm Beach, FL 33480

Tel: (561) 659-4583 | Mongoose Crossway 450
Raleigh Aluminium 300
Mercedes Benz
Signal Sports Bike
Schwinn World
Huffy Santa Fe
Raleigh Sport
Scott Boston |
|-----------------|---|---|

BOOKSTORES

| | | |
|-------------------|---|--|
| Newspapers | Publix Super Market
265 Sunset Avenue
Palm Beach, FL 33480

Tel: (561) 655-4120 | |
| Magazines | Main Street News
255 Royal Poinciana Way
Palm Beach, FL 33480

Tel: (561) 833-4027 | |

CLEANING SERVICE

| | | |
|---|------------|--|
| Francis Peadon
House Cleaning Services | [REDACTED] | Every Tuesday and Wednesday
8:00am - 4:00pm
(Francis and Pastora Peadon) |
|---|------------|--|

NT

| | | |
|----------------------------|---|---|
| The Breakers | One South County Road
Palm Beach, FL 33480

Tel: (561) 655-6611 | Renew car park stickers every September |
| Comedy Corner | 2000 South Dixie Highway
West Palm Beach, FL 33401

Tel: (561) 833-1812 | |
| The Mar-a-Lago Club | 1100 South Ocean Boulevard
Palm Beach, FL 33480

Tel: (561) 832-2600 | |

GIUFFRÉ007590
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Sam Co. System (561) 715-4832 Sam

| | | |
|---------------------------|--|--|
| Electrician | Energy Efficient Electric
Tel: (561) 655-7211 | Changed. |
| Exterminator | Palm Beach Exterminating
Tel: (561) 689-0808 | Contact is Ken
First Monday of every month at 10:30am
Also use for termite tent |
| Garden Service | Alan Stopek
Efflorescence
Wellington, FL 33414 | |
| | Jerome Pierre | Part-time help. Billed through Alan Stopek.
In residence: Daily from 6.30am
Not in residence: Mon - Fri from 2pm - 5pm
Also maintains Mrs Epstein's property on
Saturday mornings. |
| Garage Doors | The Doorsmith
4160 NW First Avenue
Boca Raton, FL 33431
Tel: (561) 391-7768 | |
| Gates | Reich Metal Fabricators
Tel: (561) 585-3173 | Back door gate switch - above garage door
controls. When open, round red light is on.
Front door gate switch - in telephone outlet
above the kitchen telephone |
| Irrigation | Dolphin Sprinkler Inc
Tel: (561) 844-8082 | Alan Bontz |
| Landscape Spraying | Academy Services
Tel: (561) 478-4629 | Arrange through Alan Stopek |
| Locksmith | Wilson Rowan Locksmiths
625 South Dixie Highway
West Palm Beach, FL 33401
Tel: (561) 655-3637 | |
| Painter | | Bill Changed |

GIUFFRE007590
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Suburb (Sunrock)

Sarah

* Adrian

* Alan
* Stopok

- Boltz

- Benjamin
State Dept

* - Bruno

- Dave (Pilot)

- David (Cook)

- E. Mollica

* - George Heertens

- Christine

- Nediz

- Helen

- Omar

- Tom Lee (Koron Models)

* - Jorge Heertens

PB Skill

- Larry (Pilot)

P.B. Harris

- Lenny (Elect)

P.B. Fox

- Miguel

P.B.

- Mike Pecore

Mom's

1.

2.

3.

Sarah

GIUFFRE007590
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Address / Telephone Sheet

Sarah's E Mail!

358 El Brillo Way, Palm Beach Fl, 33480

| Name | Address | Telephone/Fax |
|------|---------|---------------|
|------|---------|---------------|

Mr. Jeffrey Epstein (NYSG LLC) Office
457, Madison Avenue 4th Floor
New York, NY 10021.

Ms. Ghislaine Maxwell

Accountants

Eric Gany

• EMAD HANNA (St. Rep)

Bella Klein-Accountants

• (Patty Cash Rep.)

Assistants

Leslie Groff (JE Sec)

Cecelia

Helan Kim

~~Michelle Campos~~

Jenn Doyle

Property

Keith Blumberg

Engineer

Richard Barnett

DOUG

SCHOETTLE

Computers

Mark Lumberg

Residences of Mr. Jeffrey Epstein

9 East 71st Street,
New York NY 10021

Mr. Jeffrey Epstein

Ms. Ghislaine Maxwell

Staff

House Manager Jojo

House Manger Lynn

Staff Phone

Chef Brent Tindall

Leslie

Jenn (Scty)

Helen Fox

(Deutsche Bank)??

E 71st
N.Y.
00

Architect (212) 249-1113 O.
(212) 717-4672 F.

→ Not in Service?

GIUFFRE007590

Confidential

Home Depot
478.0783 Mon

Palm Beach Contractors**General Plumbing**

Customer Service representative Amy 561 585 2591

Electrical

Reel Power Inc Lenny (electrician) 561 706 0827

Gates

Samco Systems Sam (owner) 561 719 4832

Service gate switch: above garage door controls, when round light is on

Front gate switch: just above the telephone outlet kitchen area

Garage doors

The Door Smith Inc Keith Kelly

Telephones

Southern Bell (repairs) 561 780 2355

Internal Phone system (NEC)

Repair and Programming 561 881 8118

Alarm System

Benham Industries Inc Keith 854 491 4112

Locksmith

Wilson & Rowan 561 655 3637

A/C Maintenance

John C Cassidy 24 hr service

Handyman

Carlos (carpenter) 407.49

Landscape

Alan Stopeck

Pest Control

Palm Beach Exterminator Kim 561 844 8082

Irrigation

Dolphin Sprinkle 561 478 4696

Pool Heating

National Pool Service When needed 561 585 8866

Pool Maintenance

Hack Pool Service Monday/ Thursday 561 588 7493

Tree Trimming

Country Wide Trees Twice, summer/winter 561 371 5786

Carpet Cleaners

Stanley Steamers wall to wall 561 586 5700

Merry Rug area rug 561 588 8588

Alarm - 954.

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POST OFFICE

- 1.800.275.8777
561.659.0261

8-12

Cable

Adelphia cable

Cable TV

561 468 8300

Bottled Water.

Bishop water company

Avion water

561582 1367

Upholsterer

Frank Jennes

Gas

Gas Energy Inc (Joe Di Giovanni) all gas repairs)

561 963 0505

Laundry equipment

May Tag

1800 622 4729

Painter

Sam

Contact Lenny

Storage

Storage USA

561 683 5835

5580, Okeechobee Blvd

Unit 6218

Grocery & General Household items**General Grocery**

Publix

265, Sunset Ave

561 655 4120

Gourmet food

C' est si bon

289, Sunset Blvd

561 659 6503

Carmines

2401 PGA Blvd Take 95 North to PGA Blvd

561 775 9233

Too Jays Gravelox/ Nova sliced salmon

561 655 6545

Green Pharmacy

151., N County Road

561 832 4443

Flowers

Extra touch Flowers

561 835 8000

Hardware

Home Depot

561 832 0783

Sewell Hardware

561 832 7171

528, Clematis Street

Newspapers

Main Street News

255, Royal Poinciana Way

561 833 4027

Post Office

401, South County Road,

561 832 0697

Car Detailing

George

Taxi Service/Limo

Dan Tischen

FedEx

114420816 (Monday & Thursday)

1800 463 3339

Recycling

Every Thursday 6AM to 5PM

Trash collection

M-F once a day Early Morning

Cars

Mercedes of Palm Beach

561 689 6393

Chevrolet

561 683 8100

Auto Repairs Gray Sunoco 340 South County

561 655 6645

Nestor Auto 2600, Florida Avenue

561 835 0809

Gasoline Gray Sunoco

ALL AMERICAN SHOOTERS

561.712.9882

GIUFFRE007590

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Marina

* INTEL *

* From Sgt Dan Scharzewski

[REDACTED] w/F > [REDACTED]

Per Curtis



could talk w/ EPSTEIN KNOWS
him WELL. INFO passed on to Capt.

~~CONFIDENTIAL~~

GIUFFRE007590
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- [REDACTED]
- 12:50pm [REDACTED]
ABIGAIL Wexner - wants to talk to you @ something private
- [REDACTED] Friday
- 6/19 7:15pm Adriana
- 6/17 5:55pm Glen [REDACTED]
- 12:30 [REDACTED] has a Q For you - can you please call her
[REDACTED]
- 6/19 1020pm Jean Luc
- Signed Neiman Marcus 6/9/05 \$33.02 Amex [REDACTED] 01/06
- [REDACTED] will be here @ 6:30pm
- 6/19/05 1:00pm Jean Luc
- Four season 582-2800 Waitt
- 6/18/05 6:40 Nathalie
- [REDACTED]
- 6/19/05 Stephanie Buens [REDACTED]
- TanyaWorld.com
Janina [REDACTED]
[REDACTED]
Valerie [REDACTED]
Ostrousley Anna
[REDACTED]

GIUFFRE007590
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EXHIBIT 8

United States District Court
Southern District Of New York

| | | |
|----------------------|-------|-----------------|
| -----X | | |
| Virginia L. Giuffre, | | |
| Plaintiff, | | |
| v. | | 15-cv-07433-RWS |
| Ghislaine Maxwell, | | |
| Defendant. | | |
| -----X | | |

**DEFENDANT GHISLAINE MAXWELL'S
INITIAL F.R.C.P. 26(a)(1)(A) DISCLOSURES**

Pursuant to F.R.C.P. 26(a)(1)(A), Defendant Ghislaine Maxwell makes the following disclosures:

**I. IDENTITIES OF INDIVIDUALS LIKELY TO HAVE DISCOVERABLE
INFORMATION RELEVANT TO DISPUTED FACTS ALLEGED WITH
PARTICULARITY IN THE PLEADINGS**

1. Ghislaine Maxwell
c/o Laura A. Menninger, Esq.
Haddon, Morgan & Foreman, P.C.
150 E. 10th Ave.
Denver, CO 80203
303-831-7364
LMenninger@HMFLaw.com

Ms. Maxwell is the Defendant and may have knowledge concerning matters at issue, including the events of 1999-2002 and the publication of statements in the press in 2011-2015.

2. Virginia Lee Roberts Giuffre
c/o Sigrid S. McCawley, Esq.
Boies, Schiller & Flexner LLP
401 East Las Olas Boulevard, Suite 1200

Mr. Edwards has knowledge concerning Plaintiff's false statements to the press, in court pleadings, and in sworn testimony at issue in this matter. Mr. Edwards also has knowledge concerning "Victim's Refuse Silence, Inc."

7. Jeffrey Epstein
c/o Tonja Haddad Coleman, Esq.
315 SE 7th Street, Suite 301
Fort Lauderdale, FL 33301
(954) 467-1223

Mr. Epstein has knowledge concerning Plaintiff's false statements to the press and in court pleadings, as well as the events of 1999-2002 concerning Plaintiff and Defendant.

8. Anthony Figueroa
Address unknown at this time
Telephone number unknown at this time

Mr. Figueroa may have knowledge concerning matters at issue, including Plaintiff's activities during 1996 – 2002.

9. Louis Freeh
Address unknown at this time



Mr. Freeh may have knowledge concerning travel of Bill Clinton.

10. Robert Giuffre
Address unknown at this time
Telephone number unknown at this time

Mr. Giuffre is may have knowledge concerning matters at issue, including Plaintiff's activities during 2002-2016 and her damages allegations.

11. Ross Gow
Acuity Representation
23 Berkeley Square
London W1J 6HE



Mr. Gow may have knowledge concerning matters at issue, including the publication of statements in the press in 2011-2015 concerning Plaintiff and Defendant.

Dated: February 24, 2016.

Respectfully submitted,

s/ Laura A. Menninger

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CERTIFICATE OF SERVICE

I certify that on February 24, 2016, I electronically served this *DEFENDANT GHISLAINE MAXWELL'S INITIAL F.R.C.P. 26(A)(1) DISCLOSURES* via e-mail on the following:

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s/ Laura A. Menninger

Laura A. Menninger

**United States District Court
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

**PLAINTIFF'S MOTION TO ENFORCE THE COURT'S ORDER AND DIRECT
DEFENDANT TO ANSWER DEPOSITION QUESTIONS FILED UNDER SEAL¹**

Plaintiff Virginia Giuffre, by and through her undersigned counsel, hereby files this Motion to Compel Defendant to Answer Deposition Questions. On June 20, 2016, this Court Ordered Defendant to sit for a second deposition because her refusal to answer questions posed in her first Deposition (June 20, 2016 Sealed Order, filed in redacted version at D.E. 264-1). Yet, during her second deposition, Defendant again refused to answer numerous questions regarding sexual activity related to Jeffrey Epstein in contravention of this Court's Order. Accordingly, the Court should direct her to fully answer the relevant questions.

FACTUAL BACKGROUND

As the Court is aware, this defamation case involves Ms. Giuffre's assertions that she and other females were recruited by Defendant to be sexually abused by Jeffrey Epstein under the guise of being "massage therapists." See Complaint, DE1, at ¶ 27 (Giuffre "described Maxwell's role as one of the main women who Epstein used to procure under-aged girls for sexual activities

¹ Defendant has labelled her entire deposition transcript as Confidential at this time.

and a primary co-conspirator and participant in his sexual abuse and sex trafficking scheme”).

Numerous other witnesses, with knowledge of Defendant’s activities, have testified to the same:

- See Schultz Declaration (“Schultz Decl.”) at Composite Exhibit 1, Excerpts from May 18, 2016, Deposition of Johanna Sjoberg at p. 34:20-35:1. “Q. And did you -- what did you understand her to mean? A. [Maxwell] was implying that I did not get Jeffrey off, and so she had to do it. Q. And when you say "get Jeffrey off," do you mean bring him to orgasm? A. Yes.” . . . “How long did you work for Jeffrey and Ghislaine? A: I believe it was five years, 2001 to 2006. Q. And how many massages did Epstein receive per day on average? THE WITNESS: Three.” *Id.* at pg. 30:15-25. . . “Q. Did Jeffrey ever tell you why he received so many massages from so many different girls? A. He explained to me that, in his opinion, he needed to have three orgasms a day. It was biological, like eating.” *Id.* at p.32: 9-16.
- See Schultz Decl. at Composite Exhibit 2, Excerpts from June 24, 2016, Deposition of Tony Figueroa at pg. 200:5-18; 96:8-15. “Q. . . .when Ghislaine Maxwell would call you during the time you were living with Virginia, she would ask you what specifically? A. Just if I had found any other girls just to bring to Jeffrey. Q. Okay. A. Pretty much every time there was a conversation with any of them it was either asking Virginia where she was at, or asking me to get girls.” “Q What has -- what is that? A. That her [Virginia] and Maxwell and Jeffrey would obviously be doing stuff, all three of them together. Like I said that they would all go out to clubs to pick up girls and try to find them to bring back for Jeffrey. And then she told me about how, like I said, her and Ms. Maxwell and Jeffrey were all intimate together on multiple occasions.”
- See Schultz Decl. at Composite Exhibit 3, Excerpts of June 21, 2016, Deposition of Detective Recarey at pg. 29:11-20. “Q. “Okay. During your investigation, what did you learn in terms of Ghislaine Maxwell's involvement, if any? THE WITNESS: Ms. Maxwell, during her research, was found to be Epstein's long-time friend. During the interviews, Ms. Maxwell was involved in seeking girls to perform massages and work at Epstein's home.”
- See Schultz Decl. at Composite Exhibit 4, Excerpts from June 10, 2016, Deposition of Rinaldo Rizzo at pg. 52:8. “A. What happens next when Ghislaine Maxwell and Jeffrey Epstein and a 15-year-old girl walk into Eva Anderson's home? . . . “A. She proceeds to tell my wife and I that, and this is not -- this is blurting out, not a conversation like I'm having a casual conversation. That quickly, I was on an island, I was on the island and there was Ghislaine, there was Sarah, she said they asked me for sex, I said no. And she is just rambling, and I'm like what, and she said -- I asked her, I said what? And she says yes, I was on the island, I don't know how I got from the island to here. Last afternoon or in the afternoon I was on the island and now I'm here. And I said do you have a -- this is not making any sense to me, and I said this is nuts, do you have a passport, do you have a phone? And she says no, and she says Ghislaine took my passport. And I said what, and she says Sarah took her passport and her phone and gave it to Ghislaine Maxwell, and at that point she said that she was threatened.” *Id.* at pg. 56:2-24

- See Schultz Decl. at Composite Exhibit 5, Excerpts from June 1, 2016, Deposition of John Alessi at pg. 28:6-15. “Q. And over the course of that 10-year period of time while Ms. Maxwell was at the house, do you have an approximation as to the number of different females -- females that you were told were massage therapists that came to the house? THE WITNESS: I cannot give you a number, but I would say probably over 100 in my stay there.” *Id.* at pg. 30:15-25 “Q: Did you go out looking for the girls -- A. No. Q. -- to bring -- A. Never. Q. -- as the massage therapists? A. Never. Q. Who did? A. Ms. Maxwell, Mr. Epstein and their friends, because their friends relayed to other friends they knew a massage therapist and they would send to the house. So it was referrals.”

In response to Ms. Giuffre’s assertions about Defendant recruiting of females for sexual purposes, Defendant has made the sweeping claim that Ms. Giuffre’s assertions are “entirely false” and “entirely untrue.” Complaint, DE 1, at ¶ 31. Accordingly, this Court directed as follows:

Defendant is ordered to answer questions relating to ***Defendant’s own sexual activity*** (a) with or involving Jeffrey Epstein (“Epstein”), (b) with or involving Plaintiff, (c) with or involving underage females known to Epstein or who Defendant believed or intended might become known to Epstein, or (d) involving or including massage with individuals Defendant knew to be, or believed might become, known to Epstein. Defendant is also directed to answer questions relating to ***her knowledge of sexual activities of others*** (a) with or involving Epstein, (b) with or involving Plaintiff, (c) with or involving underage females known to Epstein or who Defendant believed were known or might become known to Epstein, or (d) involving or including massage with individuals Defendant knew to be or believed might become known to Epstein. (FN. Each of the aforementioned lists are disjunctive.) The scope of Defendant’s answers are not bound by time period, though Defendant need not answer questions that relate to none of these subjects or that is clearly not relevant, such as sexual activity of third-parties who bear no knowledge or relation to the key events, individuals, or locations of this case.

See Schultz Decl. at Exhibit 6, Sealed June 20, 2016, Order at p. 10 (Emphasis added).

Despite this instruction from the Court, during her deposition, Defendant refused to answer many questions related to “sexual activity with or involving Jeffrey Epstein, with or involving Plaintiff . . . or involving or including massage with individuals Defendant knew to be or believed were known to might become known to Epstein.” The result was that at a number of

points throughout her deposition, Defendant refused to answer questions about subjects integral to this lawsuit, including questions about a student, Joanna Sjoberg, who Defendant recruited from her school to give massages to, and have sex with, Jeffrey Epstein under the guise of hiring her to answer phones.

For example, Defendant refused to answer questions about recruiting Ms. Sjoberg for sex with Epstein:

Q. So is it fair to say that Johanna was initially hired to answer telephones, according to your testimony?

MR. PAGLIUCA: This has already been testified to Mr. Boies. We are repeating testimony now.

MR. BOIES: I think in the context of the witness' answers, these are fair questions. Now, I've asked you before, if you want to instruct her not to answer, if you want to go to the judge, we are happy to do that, but I would suggest in the interest of moving it along, that you stop these speeches.

MR. PAGLIUCA: You are not moving it along is the problem, so maybe we should call the court and get some direction here, because I am not going to sit here and rehash the testimony we already gave.

MR. BOIES: That's fin[e]. [At this point a telephone call was placed to Judge Sweet's chambers].

See Schultz Decl. at Composite Exhibit 7, Excerpts from July 22, 2016, Deposition of Ghislaine Maxwell at pg.78:17-79:14.

MR. BOIES: So how did it happen, Ms. Maxwell, that Joanna, who had been hired to answer the phones, ended up giving massages to you and Mr. Epstein.

MR. PAGLIUCA: I'm going to instruct you not to answer the question. This has been previously, the subject of your former deposition, it doesn't fall into any of the categories ordered by the court, and so you don't need to answer that.

Id. at pg.81:15-25.

Defendant's counsel's instruction not to answer was improper. This Court's Order stated: "Defendant is also directed to answer questions relating to her knowledge of sexual activities of others . . . involving or including massage with individuals Defendant knew to be or believed

might become known to Epstein.” Ms. Sjoberg is an important witness in this case – one of the witnesses Ms. Giuffre has deposed. She is an individual Defendant knew to be known to Epstein, who knew and interacted with Ms. Giuffre when Ms. Giuffre was underage, and who participated in massage and sexual activities with Epstein. Defendant knew that Ms. Sjoberg was known to Epstein as Defendant recruited her to massage Epstein and participate in sexual activities during those massages. And Ms. Sjoberg testified directly about Defendant’s involvement, including Defendant’s offer of an expensive camera in exchange for sex:

Q. Was there anything you were supposed to do in order to get the camera?

A: I did not know that there were expectations of me to get the camera until after. She [Maxwell] had purchased the camera for me, and I was over there giving Jeffrey a massage. I did not know that she was in possession of the camera until later. She told me -- called me after I had left and said, I have the camera for you, but you cannot receive it yet because you came here and didn't finish your job and I had to finish it for you.

Q. And did you -- what did you understand her to mean?

A. She was implying that I did not get Jeffrey off, and so she had to do it.

Q. And when you say "get Jeffrey off," do you mean bring him to orgasm?

A. Yes.

See Schultz Declaration at Composite Exhibit 1, Excerpts from May 18, 2016 Deposition of Johanna Sjoberg at p. (P. 34:5-35:1).

Q: What did you understand Maxwell to mean when she said you hadn't finished the job, with respect to the camera?

A: She implied that I had not brought him to orgasm.

Q. So is it fair to say that Maxwell expected you to perform sexual acts when you were massaging Jeffrey?

A: Yes, I took that conversation to mean that is what was expected of me.”

Id. at p. 142:25-143:14 (Emphasis added).

In the wake of this specific deposition testimony from Ms. Sjoberg, during her own recent deposition, Defendant continued to refuse to testify about Ms. Sjoberg's massages and sexual activity with Epstein:

Q. Did Mr. Epstein pay Johanna for the massages that she gave Mr. Epstein?

Mr. Pagliuca: You just asked this question, and I told her not to answer. I will tell her not to answer again for the same reasons.

Q. Do you know how much Mr. Epstein paid Johanna to give massages?

Mr. Pagliuca: Same instruction to the witness. Why do you believe this is within the scope of the court's order?

Mr. Boies: Because of the court's reference to massages, and because I think how much a girl who was hired to answer the phone was paid to give a "massage" goes to whether there actually was or was not sexual activity involved.

Mr. Pagliuca: The witness has testified there wasn't.

Mr. Boies: Perhaps it will surprise you, I think it should not, that I do not believe in my deposition I need to simply accept her characterization without cross-examination. Now that's something the judge can decide, but a question as to how much this young girl was being paid for a "massage," I think goes directly to the issue of sexual activity.

See Schultz Decl. at Composite Exhibit 7, Excerpts from July 22, 2016 Deposition of Ghislaine Maxwell at pg. 82:25-84:6.

Additionally, Defendant refused to answer questions concerning the sexual abuse involving herself, Mr. Epstein, and Annie and Maria Farmer, described in a Vanity Fair article:

"What do you have on the girls?" [Epstein] would ask the question over and over again. What I had "on the girls" were some remarkably brave first-person accounts. Three on-the-record stories from a family: a mother and her daughters [Maria Farmer, Annie Farmer, and their mother] who came from Phoenix. The oldest daughter, an artist whose character was vouchsafed to me by several sources, including the artist Eric Fischl, had told me, weeping as she sat in my living room, of how Epstein had attempted to seduce both her and, separately, her younger sister, then only 16. He'd gotten to them because of his money. He promised the older sister patronage of her art work; he'd promised the younger funding for a trip abroad that would give her the work experience she needed on her resume for a place at an Ivy League university, which she desperately wanted - and would win. The girls' mother told me by phone that she had thought her daughters would

be safe under Epstein's roof, not least because he phoned her to reassure her, *and she also knew he had Ghislaine Maxwell with him at all times*. When the girls' mother learned that *Epstein had, regardless, allegedly molested her 16-year-old daughter*, she'd wanted to fight back.

"I Tried to Warn You about Sleazy Billionaire Jeffrey Epstein in 2003," Vicky Ward, January 6, 2015, *Daily Beast* Article (Emphasis added). Defendant would not answer many questions concerning her role with in the molestation of these girls while she was sharing a house with Maria Farmer and Jeffrey Epstein:

Q. Do you know whether or not Maria Farmer was ever at Mr. Wexner's property in Ohio?

Mr. PAGLIUCA: Can you tell me how that relates to this order, counselor?

MR. BOIES: Yes, I think it goes directly to the sexual activity related to Maria Farmer and what Mr. Epstein was doing with Maria Farmer. Again, you can instruct not to answer.

MR. PAGLIUCA: I'm trying to understand why you are asking these questions before I -

MR. BOIES: I'm asking these questions because these are people who not only have been publicly written about in terms of the sexual activity that they were put into in connection with Mr. Epstein, but the person who wrote about them is someone who talked to the witness about it, and I think that this is more than easily understood cross-examination.

MR. PAGLIUCA: Your question was, do you know whether or not Maria Farmer was ever at Mr. Wexner's property in Ohio.

MR. BOIES: Yes. And if you let her answer, you will see where it leads. If you won't let her answer, the judge is going to determine it. And I just suggest to you that you stop these speeches and stop debating, because you are not going to convince me not to follow-up on these questions. If you can convince the court to truncate the deposition, that's your right, but all you're doing is dragging this deposition out.

MR. PAGLIUCA: You have the opportunity to give me a good faith basis why you are asking these questions.

MR. BOIES: I have given you a good faith basis.

MR. PAGLIUCA: You haven't.

MR. BOIES: Then instruct not to answer.

MR. PAGLIUCA: I am giving you the opportunity to say why you are asking the questions, and why I'm telling her not to answer and I am entitled to know that.

MR. BOIES: You are not entitled to know why I'm asking the question. You are only entitled to know that it relates to the subject matter that I am entitled to inquire about, and I don't think the judge is going to think that, you know, where Mr. Epstein shipped Maria Farmer off to is outside the scope of what I'm entitled to inquire about.

See Schultz Decl. at Composite Exhibit 7, Excerpts from July 22, 2016 Deposition of Ghislaine Maxwell at pg. 99:6-101:20.

Defendant's counsel also stopped a line of questioning in which Defendant was asked if she recalled several girls Tony Figueroa brought over to give a "massage" to Epstein. The Court will recall that Mr. Figueroa previously testified in this case that he brought underage girls to Epstein at Defendant's behest, and that Defendant called him, asking him to bring the girls.² Accordingly, at Defendant's recent deposition, Ms. Giuffre's counsel attempted to follow up on this subject:

Q. Have you ever heard the name of Carolyn Andriamo, A-N-D-R-I-A-M-O?

A. I don't recollect that name at all.

² Tony Figueroa testified that Defendant called him and asked him to bring girls over, and that there were no "legitimate" massages: "Q. Any of the girls that you are aware of having gone to the house - either because you brought them or Virginia - as you sit here today, do you believe any of them were brought over to be legitimate masseuse? A. Nope." *See* Schultz Decl. at Composite Exhibit 2, Excerpts from June 24, 2016, Deposition of Tony Figueroa at pg. 245:1-8. "Q. And how long would you and one of these girls sit there and have this small talk with Ms. Maxwell? A. No more than 10 or 15 minutes. Q. All right and what were you waiting for? A. Pretty much her to take them upstairs. And then I would leave. Like I would have to wait for them to be like, 'All right. Well we're ready.' And I would be like 'All right. See you later.' And then I'd leave. And they would go do whatever." *Id.* at pg. 193:14-25. "Q. During this 2001 period, if you were driving Virginia and other girl to the house, what type of girls would you be driving? A. Pretty much like young looking teenagers 16, 17. Really pretty. You know." *Id.* at pg. 182:4-10.

MR. PAGLIUCA: Mr. Boies, those names are on Exhibit 26, which we have already gone over and she said she didn't recognize those people, so now we are just repeating things that we went over.

MR. BOIES: I am in the context of seeing if I can refresh her recollection, because these are women that [REDACTED] who she also does not recall, brought over to Mr. Epstein's residences, and I also want to make a very clear record of what her testimony is and is not right now.

Again, you can instruct her not to answer if you wish.

MR. PAGLIUCA: I'm trying to get to nonrepetitive questions here. You basically asked the same question three times. Then we get a pile of notes that get pushed up to you, you read those. Then you ask those three times, and then we go to another question. So it's taking an inordinately long amount of time and it shouldn't.

MR. BOIES: I think that is a demonstrably inaccurate statement of what has been going on, and I attribute -- maybe I shouldn't attribute it at all. But if you want to instruct not to answer, instruct not to answer. If you don't, again, all I will do is request that you cease your comments. I can't do that. All I can do is seek sanctions afterwards.

See Schultz Decl. at Composite Exhibit 7, Excerpts from July 22, 2016, Deposition of Ghislaine Maxwell at pg. 154:20-156:10.

Based on Defendant's refusal to answer questions related to specific girls, Mr. Boies was forced to discontinue asking questions about these victims.

Defendant also refused to answer questions concerning the "sexual activities of others . . . involving or including massage with individuals Defendant knew to be or believed might become known to Epstein," when she refused to answer a question about the records she kept of the young girls who would perform massage and sexual activities with Epstein:

Q. Was there a list that was kept of women or girls who provided massages?

MR. PAGLIUCA: This has been previously deposed on. This is not part of the court's order, I will tell her not to answer.

MR. BOIES: You are going to tell her not to answer a question that says was there a list of women or girls who provided massages?

MR. PAGLIUCA: She has been previously deposed on this subject.

MR. BOIES: I think this is squarely in the court's order, but if you instruct her not to answer, you instruct her not to answer.

MR. PAGLIUCA: We'll find out.

Id. at pg. 184:14-185:6.

Q. "In 2005, were you aware of any effort to destroy records of messages you had taken of women who had called Mr. Epstein in the prior period?"

MR. PAGLIUCA: Don't answer that question. It's outside the court's order.

Id. at pg. 177:5-11.

Ample evidence in this case establishes that not only did Defendant recruit underage girls for massage and sexual activities with Epstein, but that she participated in calling the girls; getting other people to bring girls; talking to the girls; taking massages from and leaving messages about the girls; and scheduling the girls to come over. Accordingly, questions concerning written records documenting Defendant's involvement in, and knowledge of, the girls who "massaged" Epstein is clearly within the ambit of this Court's Order. For example, a message from July of 2004 records Defendant, "Ms. Maxwell," giving a message to Mr. Epstein as message from [REDACTED] (an underage girl who was *14 years old* on the date of the message) that "[REDACTED] is available on Tuesday no one for tomorrow." *See* GIUFFRE001465.

| IMPORTANT MESSAGE | | | |
|-----------------------------|-------------------------------------|------------------------------------|-------------------------------------|
| FOR <u>MR EPSTEIN</u> | | | |
| DATE <u>7/9/04</u> | | TIME <u>7:50</u> <small>AM</small> | |
| M. <u>[REDACTED]</u> | | | |
| OF <u>[REDACTED]</u> | | | |
| PHONE/
MOBILE | | | |
| TELEPHONED | <input checked="" type="checkbox"/> | PLEASE CALL | <input checked="" type="checkbox"/> |
| CAME TO SEE YOU | <input type="checkbox"/> | WILL CALL AGAIN | <input type="checkbox"/> |
| WANTS TO SEE YOU | <input type="checkbox"/> | RUSH | <input type="checkbox"/> |
| RETURNED YOUR CALL | <input type="checkbox"/> | SPECIAL ATTENTION | <input type="checkbox"/> |
| MESSAGE: <u>IS</u> | | | |
| <u>AVAILABLE ON TUESDAY</u> | | | |
| <u>NO ONE FOR TOMORROW</u> | | | |
| SA02841 | | | |
| SIGNED <u>R</u> | | | |

See Schultz Decl. at Composite Exhibit 8, Messages Involving Defendant³. In the investigation of Mr. Epstein's sex crimes against minors, law enforcement was able to confirm identities of underage victims through the use of the names recorded these messages, which were recovered from Epstein's trash.⁴ Accordingly, the messages, and the girls described therein, are fully within the ambit of this Court's Order.

³ GIUFFRE001523; GIUFFRE001427; GIUFFRE001451; GIUFFRE001454; GIUFFRE001460; GIUFFRE001461; GIUFFRE001464; GIUFFRE001465; GIUFFRE001436; GIUFFRE001435; GIUFFRE001472; GIUFFRE001474; GIUFFRE001492; GIUFFRE001553; GIUFFRE001388; GIUFFRE001555; GIUFFRE001556; GIUFFRE001557; GIUFFRE001392; GIUFFRE001526; GIUFFRE001530; GIUFFRE001568; GIUFFRE001536; GIUFFRE001538; GIUFFRE001541; GIUFFRE001546; GIUFFRE001399; GIUFFRE001402; GIUFFRE001405; GIUFFRE001406; GIUFFRE001449; GIUFFRE001409; GIUFFRE001410; GIUFFRE001411; GIUFFRE00; etc.

⁴ Palm Beach Police Officer Recarey was deposed about information pulled by police officers from trash discarded by Epstein from his home:

Q. The next line down is what I wanted to focus on, April 5th, 2005. This trash pull, what evidence is yielded from this particular trash pull?

THE WITNESS: The trash pull indicated that there were several messages with written items on it. There was a message from HR indicating that there would be

Finally, Defendant also refused to answer foundational questions that are necessary to precede questions authorized by this Court, such as:

- “In terms of preparing for this deposition, what documents did you review?” *See* Schultz Decl. at Composite Exhibit 7, Excerpts from July 22, 2016, Deposition of Ghislaine Maxwell at 174:2-4.
- Now, have you ever engaged in oral sex? *Id.* at 18:14-15.
- Q. Did you ever have oral sex with anyone in any of Mr. Epstein's five homes that you've identified other than Mr. Epstein? *Id.* at 20:7-10.
- Did you, in the 1990s and 2000s, engage in sexual activities other than intercourse with women other than what you have testified to already? *Id.* at 89:24-90:3.

an 11:00 appointment. There were other individuals that had called during that day.

Q. And when you would -- when you would see females' names and telephone numbers, would you take those telephone numbers and match it to -- to a person?

THE WITNESS: We would do our best to identify who that person was.

Q. And is that one way in which you discovered the identities of some of the other what soon came to be known as victims?

THE WITNESS: Correct.

See Schultz Decl. at Composite Exhibit 3, Excerpts of June 21, 2016 Deposition of Detective Recarey at pg. 42:14-43:17. Recarey went on to describe the importance of the information:

Q. Did you find names of other witnesses and people that you knew to have been associated with the house in those message pads?

THE WITNESS: Yes.

Q. And so what was the evidentiary value to you of the message pads collected from Jeffrey Epstein's home in the search warrant?

THE WITNESS: It was very important to corroborate what the victims had already told me as to calling in and for work.

Id. at 78:25 -79:15.

In sum, Defendant refused to answer important questions relating to the following topics that were authorized by this Court's Order: (1) Defendant's information relating to and knowledge of the circumstances of Johanna Sjoberg performing massages and sex acts upon Epstein; (2) Defendant's information relating to and knowledge of the circumstances relating to the abuse of Maria Farmer and her sister by Defendant and Epstein; (3) Defendant's information relating to and knowledge of any lists or records of girls who gave "massages" to Epstein; (4) Defendant's involvement with messages (or related documents) showing Defendant's knowledge of, and involvement in, the scheduling of underage girls for massage and sex with Epstein, and any destruction of evidence related to these messages (or related records); (5) foundational questions that were necessary precedent to asking questions authorized by this Court's Order; and (6) all related questions that arise out of any response Defendant provides within the parameters of the Court's June 20, 2016, Order.

DISCUSSION

The Court should compel Ms. Maxwell to answer questions in the topic areas where she refused to answer during her recent deposition. Topics 1 - 4 above are central parts of this case, and Topics 5 and 6 link directly to central parts of this case. Ms. Giuffre, and now other knowledgeable witnesses, have explained and testified that Defendant not only had knowledge of Epstein's massages and sexual activity with others, but she actively facilitated the sexual massages through recruiting young females and underage girls for the purpose of "massage" and sexual activity. And proof that Defendant both had knowledge of, and was involved in, these schemes and encounters, will further help prove that Defendant's statements to the press that Virginia's allegations were "obvious lies" was itself an obvious lie.

The questions Defendant refused to answer fall squarely within this Court's earlier order. Defendant can have no legitimate basis for obstructing the search for truth by refusing to answer. The Court should, again, compel Defendant to answer all these questions. See Fed. R. Crim. P. 37(a)(3)(B)(i); see, e.g., *Kelly v. AI Tech.*, No. 09 CIV. 962 LAK MHD, 2010 WL 1541585, at *20 (S.D.N.Y. Apr. 12, 2010) ("Under the Federal Rules, when a party refuses to answer a question during a deposition, the questioning party may subsequently move to compel disclosure of the testimony that it sought. The court must determine the propriety of the deponent's objection to answering the questions, and can order the deponent to provide improperly withheld answers during a continued deposition" (internal citations omitted)). Of course, the party objecting to discovery must carry the burden of proving the validity of its objections, particularly in light of "the broad and liberal construction afforded the federal discovery rules" *John Wiley & Sons, Inc. v. Book Dog Books, LLC*, 298 F.R.D. 184, 186 (S.D.N.Y. 2014). For purposes of a deposition, the information sought "need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence." *Chen-Oster v. Goldman, Sachs & Co.*, 293 F.R.D. 557, 561 (S.D.N.Y. 2013) (citing Fed.R.Civ.P. 26(b)(1)).

Defendant cannot claim that such questions were outside the scope of this Court's order, as they directly relate to (1) her knowledge of individuals who provided "massage" to Epstein and (2) her knowledge of sexual activities of others with or involving Epstein. Defendant's knowledge of the individuals involved in the sex/"massages" relating to Epstein, and her knowledge about the sex/"massage" related to Epstein is precisely what this Court directed her to answer. See also, *Condit v. Dunne*, 225 F.R.D. 100, 113 (S.D.N.Y. 2004) (in defamation case, "Plaintiff is hereby ordered to answer questions regarding his sexual relationships in so far as

they are relevant to a defense of substantial truth, mitigation of damages, or impeachment of plaintiff.”); *Weber v. Multimedia Entm't, Inc.*, No. 97 CIV. 0682 PKL THK, 1997 WL 729039, at *3 (S.D.N.Y. Nov. 24, 1997) (“While discovery is not unlimited and may not unnecessarily intrude into private matters, in the instant case inquiry into private matters is clearly relevant to the subject matter of the suit. Accordingly, plaintiff Misty Weber shall respond to defendants’ interrogatories concerning her sexual partners . . .”). Moreover, generally speaking, instructions from attorneys to their clients not to answer questions at a deposition should be “limited to [issues regarding] privilege.” *Morales v. Zondo, Inc.*, 204 F.R.D. 50, 54 (S.D.N.Y. 2001). In this case, defense counsel once again ranged far beyond the normal parameters of objections and gave instructions directly in contravention of this Court’s Order directing Defendant to answer exactly the type of questions posed to her.

In light of Defendant’s willful refusal to comply with this Court’s Order directing Defendant to answer questions related to the Court’s June 20, 2016, Order, including topics enumerated above, Ms. Giuffre also seeks attorneys’ fees and costs associated with bringing this motion, as well as fees and costs associated with re-taking Defendant’s deposition.

CONCLUSION

Defendant should be ordered to sit for a follow-up deposition and directed to answer questions regarding the topics enumerated above.

Dated: July 29, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley
Sigrid McCawley (Pro Hac Vice)

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⁵ This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of July, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on the individuals identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

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/s/ Sigrid S. McCawley
Sigrid S. McCawley

**United States District Court
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

_____ /

**DECLARATION OF MEREDITH SCHULTZ IN SUPPORT OF
PLAINTIFF'S MOTION TO ENFORCE THE COURT'S ORDER AND DIRECT
DEFENDANT TO ANSWER DEPOSITION QUESTIONS FILED UNDER SEAL**

I, Meredith L. Schultz, declare that the below is true and correct to the best of my knowledge as follows:

1. I am a associate with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's March 28, 2016 Order granting my Application to Appear Pro Hac Vice.

2. I respectfully submit this Declaration in Support of Plaintiff's Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions Filed Under Seal.

3. Attached hereto as Sealed Composite Exhibit 1 are true and correct copies of Excerpts from the May 18, 2016 Deposition of Johanna Sjoberg.

4. Attached hereto as Sealed Composite Exhibit 2 are true and correct copies of Excerpts from the June 24, 2016 Deposition of Tony Figueroa.

5. Attached hereto as Sealed Composite Exhibit 3 are true and correct copies of Excerpts from the June 21, 2016 Deposition of Detective Joseph Recarey.

6. Attached hereto as Sealed Composite Exhibit 4 are true and correct copies of Excerpts from the June 10, 2016 Deposition of Rinaldo Rizzo.

7. Attached hereto as Sealed Composite Exhibit 5 are true and correct copies of Excerpts from the June 1, 2016 Deposition of John Alessi.
8. Attached hereto as Sealed Exhibit 6 is a true and correct copy of June 20, 2016 Order from Judge Sweet.
9. Attached hereto as Sealed Composite Exhibit 7 are true and correct copies of Excerpts from the July 22, 2016 Deposition of Ghislaine Maxwell.
10. Attached hereto as Sealed Composite Exhibit 8 is a true and correct copy of Messages Involving Defendant.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Meredith L. Schultz
Meredith L. Schultz, Esq.

Dated: July 29, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Meredith Schultz

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¹ This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of July, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Meredith L. Schultz
Meredith L. Schultz

COMPOSITE
EXHIBIT 1
(File Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----X

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----X

May 18, 2016

9:04 a.m.

C O N F I D E N T I A L

Deposition of JOHANNA SJOBERG, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

1 Q. Did you observe her to be young when you
2 met her?

3 MS. MENNINGER: Objection, vague as to
4 time.

5 THE WITNESS: All of the women were
6 generally young. I did not know the ages of
7 really anyone, so...

8 BY MS. McCAWLEY:

9 Q. How many massages did Jeffrey receive on
10 average in a given day?

11 MS. MENNINGER: Objection, foundation.

12 THE WITNESS: Three a day.

13 BY MS. McCAWLEY:

14 Q. Let me back up for a moment.

15 How long did you work for Jeffrey and
16 Ghislaine?

17 MS. MENNINGER: Objection, leading and
18 foundation.

19 THE WITNESS: I believe it was five years,
20 2001 to 2006.

21 BY MS. McCAWLEY:

22 Q. And how many massages did Epstein receive
23 per day on average?

24 MS. MENNINGER: Objection, foundation.

25 THE WITNESS: Three.

1 to object and then you can still answer. No
2 one is going to stop you from answering. I
3 just need to get the objection on the record,
4 in the same way she needs to be able to talk
5 before you. My apologies. I'm not trying to
6 cut you off, but I am supposed to get it in
7 before you answer.

8 BY MS. McCAWLEY:

9 Q. Did Jeffrey ever tell you why he received
10 so many massages from so many different girls?

11 MS. MENNINGER: Objection, hearsay.

12 BY MS. McCAWLEY:

13 Q. You can answer.

14 A. He explained to me that, in his opinion,
15 he needed to have three orgasms a day. It was
16 biological, like eating.

17 Q. And what was your reaction to that
18 statement?

19 A. I thought it was a little crazy.

20 Q. And what did -- do you recall what -- when
21 you observed the other females giving massages, do
22 you recall what they would dress like? Did they
23 wear scrubs or did they typically wear normal
24 clothes?

25 A. Normal clothes.

1 camera?

2 MS. MENNINGER: Objection, leading.

3 THE WITNESS: Yes.

4 BY MS. McCAWLEY:

5 Q. Was there anything you were supposed to do
6 in order to get the camera?

7 MS. MENNINGER: Objection, leading.

8 THE WITNESS: I did not know that there
9 were expectations of me to get the camera until
10 after. She had purchased the camera for me,
11 and I was over there giving Jeffrey a massage.
12 I did not know that she was in possession of
13 the camera until later.

14 She told me -- called me after I had left
15 and said, I have the camera for you, but you
16 cannot receive it yet because you came here and
17 didn't finish your job and I had to finish it
18 for you.

19 BY MS. McCAWLEY:

20 Q. And did you -- what did you understand her
21 to mean?

22 A. She was implying that I did not get
23 Jeffrey off, and so she had to do it.

24 Q. And when you say "get Jeffrey off," do you
25 mean bring him to orgasm?

1 A. Yes.

2 Q. Did Ghislaine ever describe to you what
3 types of girls Jeffrey liked?

4 A. Model types.

5 Q. Did Ghislaine ever talk to you about how
6 you should act around Jeffrey?

7 A. She just had a conversation with me that I
8 should always act grateful.

9 Q. Did Jeffrey ever tell you that he took a
10 girl's virginity?

11 A. He did not tell me. He told a friend of
12 mine.

13 Q. And what do you recall about that?

14 MS. MENNINGER: Objection, hearsay,
15 foundation.

16 THE WITNESS: He wanted to have a friend
17 of mine come out who was cardio-kickboxer
18 instructor. She was a physical trainer.

19 And so I brought her over to the house,
20 and he told my friend Rachel that -- he said,
21 You see that girl over there laying by the
22 pool? She was 19. And he said, I just took
23 her virginity. And my friend Rachel was
24 mortified.

25

1 exposed her bra, and she grabbed it and pulled it
2 down.

3 Q. Anything else?

4 A. That was the conversation that he had told
5 her that he had taken this girl's virginity, the
6 girl by the pool.

7 Q. Okay. Did Maxwell ever say to you that it
8 takes the pressure off of her to have other girls
9 around?

10 A. She implied that, yes.

11 Q. In what way?

12 A. Sexually.

13 Q. And earlier Laura asked you, I believe, if
14 Maxwell ever asked you to perform any sexual acts,
15 and I believe your testimony was no, but then you
16 also previously stated that during the camera
17 incident that Maxwell had talked to you about not
18 finishing the job.

19 Did you understand "not finishing the job"
20 meaning bringing Jeffrey to orgasm?

21 MS. MENNINGER: Objection, leading, form.

22 BY MS. McCAWLEY:

23 Q. I'm sorry, Johanna, let me correct that
24 question.

25 What did you understand Maxwell to mean

1 when she said you hadn't finished the job, with
2 respect to the camera?

3 MS. MENNINGER: Objection, leading, form.

4 THE WITNESS: She implied that I had not
5 brought him to orgasm.

6 BY MS. McCAWLEY:

7 Q. So is it fair to say that Maxwell expected
8 you to perform sexual acts when you were massaging
9 Jeffrey?

10 MS. MENNINGER: Objection, leading, form,
11 foundation.

12 THE WITNESS: I can answer?

13 Yes, I took that conversation to mean that
14 is what was expected of me.

15 BY MS. McCAWLEY:

16 Q. And then you mentioned, I believe, when
17 you were testifying earlier that Jeffrey told you a
18 story about sex on the plane. What was that about?

19 MS. MENNINGER: Objection, hearsay.

20 THE WITNESS: He told me one time Emmy was
21 sleeping on the plane, and they were getting
22 ready to land. And he went and woke her up,
23 and she thought that meant he wanted a blow
24 job, so she started to unzip his pants, and he
25 said, No, no, no, you just have to be awake for

AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF)

I, _____, being first
duly sworn, do hereby acknowledge that I did
read a true and certified copy of my deposition
which was taken in the case of GIUFFRE V.
MAXWELL, taken on the 18th day of May, 2016,
and the corrections I desire to make are as
indicated on the attached Errata Sheet.

CERTIFICATE

STATE OF FLORIDA)
COUNTY OF)

Before me personally appeared

_____,
to me well known / known to me to be the
person described in and who executed the
foregoing instrument and acknowledged to and
before me that he executed the said instrument
in the capacity and for the purpose therein
expressed.

Witness my hand and official seal, this
_____ day of _____, _____.

(Notary Public)

My Commission Expires:

COMPOSITE
EXHIBIT 2
(File Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

_____ /

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 1 of 2

Pages 1 - 157

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company
B. Paul Katz Professional Center
(SunTrust Building)
One Florida Park Drive South
Suite 214
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR
Florida Professional Reporter
Court Reporter and Notary Public

1 Q I guess my question is: Did she ever tell
2 you that she had started as a regular masseuse for
3 him and then transitioned to something other than a
4 masseuse?

5 A No. She never said that it transitioned.
6 But she ended up explaining to me what had happened
7 before, so...

8 Q What has -- what is that?

9 A That her and Ms. Maxwell and Jeffrey would
10 obviously be doing stuff, all three of them
11 together. Like I said, that they would all go out
12 to clubs to pick up girls and try and find them to
13 bring back for Jeffrey. And then she told me about
14 how, like I said, her and Ms. Maxwell and Jeffrey
15 were all intimate together on multiple occasions.

16 Q When did she tell you this?

17 A I'm not exactly sure on the dates.

18 Q Was it while you were still together?

19 A Yes.

20 Q Did you -- had you met Ms. Maxwell?

21 A Yeah, I had met her a couple of times.

22 Q When did you meet Ms. Maxwell?

23 A Dates, I'm unsure of. But it was pretty
24 much, like I said, at Jeffrey's house in the
25 kitchen.

1 Foundation. Vague as to time and place.

2 BY MR. EDWARDS:

3 Q Sorry. Let me rephrase the question.

4 During this 2001 period, if you were
5 driving Virginia and another girl to the house, what
6 type of girls would you be driving?

7 MS. MENNINGER: Objection. Form.

8 Foundation.

9 A Pretty much like young-looking teenager
10 girls. I mean, 16, 17. Really pretty. You know.

11 BY MR. EDWARDS:

12 Q All right. How did you know that that's
13 what was being requested, that that age range and
14 that look and that's what was --

15 A I just assumed that that's what most guys
16 are into, you know, so...

17 Q Girls who looked like Virginia?

18 A Yeah.

19 Q All right. When you would bring girls
20 over to the house, were you looking for some
21 professional masseuse or somebody with massage
22 experience?

23 A Like I said, I would just get friends that
24 I knew from school, so...

25 Q And that's what Jeffrey wanted?

1 you can think to one of the occasions where you
2 brought a girl into the kitchen other than
3 Virginia --

4 A Uh-huh (affirmative).

5 Q -- and Ms. Maxwell is in the kitchen, did
6 you and this other girl that you were bringing over
7 sit there and together have this small talk with
8 Ms. Maxwell?

9 A Yeah.

10 MS. MENNINGER: Objection. Form.
11 Foundation.

12 A Yes.

13 BY MR. EDWARDS:

14 Q And how long would you and one of these
15 other girls sit there and have this small talk with
16 Ms. Maxwell?

17 A No more than, like, 10 or 15 minutes.

18 Q All right. And what were you waiting for?

19 A Pretty much her to take them upstairs.
20 And then I would leave.

21 Like, I would wait for them to be, like,
22 "All right. Well, we're ready."

23 And I would be, like, "All right. See you
24 later." And then I'd leave. And they would go do
25 whatever.

1 MS. MENNINGER: Objection. Form.
2 Foundation.

3 A For Jeffrey.

4 BY MR. EDWARDS:

5 Q All right. Let me fix this. Ghislaine --
6 when Ghislaine Maxwell would call you during the
7 time that you were living with Virginia, she would
8 ask you what, specifically?

9 MS. MENNINGER: Objection. Form.
10 Foundation.

11 A Just if I had found any other girls just
12 to bring to Jeffrey.

13 BY MR. EDWARDS:

14 Q Okay.

15 A Pretty much every time there was a
16 conversation with any of them, it was either asking
17 Virginia where she was at, or asking her to get
18 girls, or asking me to get girls.

19 Q All right. Let's go to that second
20 category you just identified, which is asking
21 Virginia to get girls. How many times were you in a
22 room where specifically Ghislaine Maxwell would ask
23 Virginia to bring girls?

24 A None that I can recall.

25 Q Okay. How many times -- when you say they

1 Q Okay. Any of the girls that you are aware
2 of having gone to the house -- either because you
3 brought them or Virginia -- as you sit here today,
4 do you believe any of them were brought over to be a
5 legitimate masseuse?

6 MS. MENNINGER: Objection. Form.
7 Foundation. Opinion.

8 A Nope.

9 BY MS. MENNINGER:

10 Q All right. How long after Virginia left
11 to go to Thailand did you continue to bring girls to
12 Jeffrey Epstein?

13 A Not, like, at all. Maybe, like, once.
14 Like I said, pretty much after she left and did not
15 come back, he was gone, I think, also. And then he
16 came back and was, like, "Oh, where is Virginia?"
17 And that was pretty much, like I said, he was just
18 throwing in, "Can you bring somebody by," just to
19 make it seem like he wanted me to still be around.
20 I was, like -- and pretty much after she was gone,
21 that was basically it.

22 Q All right. You described that every time
23 that you would bring girls, Jeffrey Epstein would
24 pay you \$200 apiece; correct?

25 A Uh-huh (affirmative).

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CERTIFICATE OF OATH

STATE OF FLORIDA)
)
COUNTY OF FLAGLER)

I, the undersigned authority, certify that TONY
FIGUEROA personally appeared before me on
July 5, 2016, and was duly sworn.

WITNESS my hand and official seal this 5th day
of July, 2016.

Leanne W. Fitzgerald
Notary Public - State of Florida
My Commission No. FF060921
Expires: February 8, 2018

Digital Certificate Authenticated
By Symantec

EXHIBIT 6
(File Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6-20-16

-----X
VIRGINIA L. GUIFFRE,

Plaintiff,

- against -

15 Civ. 7433 (RWS)

OPINION

GHISLAINE MAXWELL,

Defendant.
-----X

A P P E A R A N C E S:

Counsel for Plaintiffs

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Meredith L. Schultz, Esq.

Counsel for Defendants

HADDON, MORGAN AND FOREMAN, P.C.
150 East Tenth Avenue
Denver, CO 80203
By: Laura A. Menninger, Esq.
Jeffrey S. Pagliuca, Esq.

Sweet, D.J.

Eight discovery motions are currently pending before this court.

1. Plaintiff Virginia Giuffre ("Giuffre" or "Plaintiff") has moved for an order of forensic examination, ECF No. 96. As set forth below, this motion is granted in part and denied in part.
2. Defendant Ghislaine Maxwell ("Maxwell") or ("Defendant") has moved to compel Plaintiff to disclose alleged on-going criminal investigations by law enforcement, ECF No. 101. As set forth below, this motion is denied.
3. Plaintiff has moved to compel Defendant to answer deposition questions, ECF No. 143. This motion is granted.
4. Defendant has moved to compel non-privileged documents, ECF No. 155. As set forth below, this motion is denied.
5. Plaintiff has moved for leave to serve three deposition subpoenas by means other than personal service, ECF No. 160. As set forth below, this motion is granted in part and denied in part.
6. Defendant has moved to compel attorney-client communications and work product, ECF No. 164. As set forth below, this motion denied.

7. Plaintiff has moved to exceed the presumptive ten deposition limit, ECF No. 172. As set forth below, this motion is granted in part and denied in part.
8. Plaintiff has moved for leave to file an opposition brief in excess of the 25 pages permitted under this Court's Individual Rules of Practice. This motion is granted.

I. Prior Proceedings

Familiarity with the prior proceedings and facts of this case as discussed in the Court's prior opinions is assumed. See Giuffre v. Maxwell, No. 15 Civ. 7433 (RWS), 2016 WL 831949 (S.D.N.Y. Feb. 29, 2016); Giuffre v. Maxwell, No. 15 Civ. 7433 (RWS) (S.D.N.Y. May 2, 2016).

Plaintiff filed her motion for clarification of the Court's March 17, 2016 Order and for forensic examination on April 13, 2016. By Order dated April 15, 2016, the motion for clarification was denied on the basis that further clarification was unnecessary. Oral argument was held with respect to forensic examination on May 12, 2016, at which time the matter was deemed fully submitted.

Defendant filed her motion to compel Plaintiff to disclose ongoing criminal investigations by law enforcement, or in the alternative to stay proceedings, on April 18, 2016. Oral argument was heard and the motion granted in part and denied in part on April 21, 2016. Plaintiff was directed to submit the relevant materials for in camera review. Plaintiff did so on April 28, 2016.

Plaintiff filed her motion to compel Defendant to answer deposition questions on May 5, 2016. Oral argument was held on May 12, 2016, at which time the matter was deemed fully submitted.

Defendant filed her motion to compel non-privileged documents on May 20, 2016. By Order dated May 23, 2016, the motion was set for argument on June 2, 2016. The motion was taken on submission on that date. Defendant filed a reply on June 6, 2016.

Plaintiff filed her letter motion for leave to serve three depositions subpoenas by means other than personal service. By Order dated May 27, 2016, the motion was set for argument on June 2, 2016. The motion was taken on submission on that date.

Defendant filed her motion to compel attorney-client communications and work product on May 26, 2016. By Order dated May 27, 2016, the motion was set for argument on June 2, 2016. The motion was taken on submission on that date. Defendant filed a reply on June 6, 2016.

Plaintiff filed her motion to exceed the presumptive ten deposition limit on May 27, 2016. By Order dated June 6, 2016, the motion was set returnable on June 16, 2016, at which time the motion was deemed fully submitted.

Plaintiff filed her motion for leave to file excess pages on June 1, 2016.

II. Applicable Standards

Rule 26 "create[s] many options for the district judge . . . [to] manage the discovery process to facilitate prompt and efficient resolution of the lawsuit." Crawford-El v. Britton, 523 U.S. 574, 599, 118 S. Ct. 1584, 1597, 140 L. Ed. 2d 759 (1998). It "vests the trial judge with broad discretion to tailor discovery narrowly and to dictate the sequence of discovery." Crawford-El v. Britton, 523 U.S. 574, 598, 118 S.

Ct. 1584, 1597, 140 L. Ed. 2d 759 (1998). The District Court may expand or limit the permitted number and time limits of depositions, direct "the time, place, and manner of discovery, or even bar discovery on certain subjects," and may "set the timing and sequence of discovery." Id. at 598-99; Fed. R. Civ. P. 26(b)(2)(A).

Consequently, the Court has wide discretion in deciding motions to compel. See Grand Cent. P'ship. Inc. v. Cuomo, 166 F.3d 473, 488 (2d Cir.1999). Federal Rule of Civil Procedure 26 states:

Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense—including the existence, description, nature, custody, condition, and location of any documents or other tangible things and the identity and location of persons who know of any discoverable matter. For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action.

Fed. R. Civ. P. 26. If a party objects to discovery requests, that party bears the burden of showing why discovery should be denied. Freydl v. Meringolo, 09 Civ. 07196(BSJ) (KNF), 2011 WL 256608-7, at *3 (S.D.N.Y. June 16, 2011).

III. The Motion For an Order of Forensic Examination Is Granted in Part and Denied in Part

Federal Rule of Civil Procedure 26(f)(3)(C) requires the parties to state their views and proposals as to preservation of electronically stored information ("ESI") and the form of production of ESI. Fed. R. Civ. P. 26(f)(3)(C). Defendant having admitted to deletion practices that indicate relevant documents and also refused to detail document search methods, good cause exists to warrant court supervised examination of her electronic devices. Accordingly, Plaintiff's motion is granted in part,

Defendant is ordered to collect all ESI by imaging her computers and collecting all email and text messages on any devices in Defendant's possession or to which she has access that Defendant used between the period of 2002 to present. Defendant is further directed to run mutually-agreed upon search terms related to Plaintiff's requests for production over the aforementioned ESI and produce responsive documents within 21 days of distribution of this opinion.

IV. The Motion to Compel Plaintiff to Disclose Ongoing Criminal Investigations is Denied

The public interest privilege "exists to encourage witnesses to come forward and provide information in criminal investigations carried out by . . . [law enforcement] without fear that the information will be disclosed." Sanchez by Sanchez v. City of New York, 201 A.D.2d 325, 326, 607 N.Y.S.2d 321 (1994). A party seeking disclosure of such information "first must demonstrate a compelling and particularized need for access" beyond "[g]eneral and conclusory allegations." Id. The Court then weighs application of the qualified privilege by balancing the need for production against the potential harm to the public from disclosure. Id.

After review of the materials in camera, the qualified public interest privilege as set forth in Sanchez has been established with respect to the submitted documents. Defendant has articulated no need for the documents. Accordingly, the balance weighs in favor of the privilege, and the motion to compel is denied. To preserve the record, Plaintiff is directed to file under seal a comprehensive copy of the log and documents within 21 days of distribution of this opinion.

V. The Motion to Compel Defendant to Answer Deposition Questions is Granted

Plaintiff seeks to compel Defendant to answer questions regarding her knowledge of adult sexual activity, which defense counsel instructed Defendant not to answer during her deposition.

"Where a party objects to a discovery request, the objecting party bears the burden of demonstrating specifically how, despite the broad and liberal construction afforded the federal discovery rules, each request is not relevant or how each question is overly broad, burdensome or oppressive by submitting affidavits or offering evidence revealing the nature of the burden." John Wiley & Sons, Inc. v. Book Dog Books, LLC, 298 F.R.D. 184, 186 (S.D.N.Y. 2014) (citations, internal quotation marks and brackets omitted).

Defendant has submitted that she has not put her private affairs at issue, and that such questions are highly intrusive. Notwithstanding, the questions are directed to reveal relevant answers regarding Defendant's knowledge of Plaintiff's allegations. That knowledge goes directly to the truth or falsity of the alleged defamation, a key element of Plaintiff's claim.

Furthermore, privacy concerns are alleviated by the protective order in this case, drafted by Defendant.

Defendant is ordered to answer questions relating to Defendant's own sexual activity (a) with or involving Jeffrey Epstein ("Epstein"), (b) with or involving Plaintiff, (c) with or involving underage females known to Epstein or who Defendant believed or intended might become known to Epstein, or (d) involving or including massage with individuals Defendant knew to be, or believed might become, known to Epstein. Defendant is also directed to answer questions relating to her knowledge of sexual activities of others (a) with or involving Epstein, (b) with or involving Plaintiff, (c) with or involving underage females known to Epstein or who Defendant believed were known or might become known to Epstein, or (d) involving or including massage with individuals Defendant knew to be or believed might become known to Epstein.¹ The scope of Defendant's answers are not bound by time period, though Defendant need not answer questions that relate to none of these subjects or that is clearly not relevant, such as sexual activity of third-parties who bear no knowledge or relation to the key events, individuals, or locations of this case.

¹ Each of the aforementioned lists are disjunctive.

VI. The Motion to Compel Non-Privileged Documents is Granted in Part and Denied in Part

Defendant has sought to compel the following documents: (1) attorney-client communications regarding media advice; (2) pre-existing documents transmitted to counsel; (3) documents shared with or communicated to unidentified third parties; (4) documents primarily for the purpose of providing business advice; (5) documents subject to an unidentified common interest or joint defense protection.

Plaintiff has represented that all responsive "attachments" Defendant seeks to compel have been produced. Accordingly, this request is denied.

Defendant seeks to compel attorney-client communications that include "third parties" on the basis that Plaintiff's privilege log is deficient for identifying individuals as "professionals retained by attorneys to aid in the rendition of legal advice." A review of Plaintiff's privilege log shows Plaintiff has expressly claimed privilege, described the nature of the withheld documents, communications, and tangible things not produced, and generally logged communications in compliance with Federal Rule of Civil Procedure 26(b)(5)(A)(ii). "Unless

the client waives privilege, an attorney or his or her employee, or any person who obtains without the knowledge of the client evidence of a confidential communication *made between the attorney or his or her employee and the client in the course of professional employment*, shall not disclose, or be allowed to disclose such communication, nor shall the client be compelled to disclose such communication." N.Y. C.P.L.R. 4503 (McKinney) (emphasis added). The conduct explicitly described by statute as privileged does not operate as waiver, and again Defendant has provided no factual basis to suggest Plaintiff has misrepresented the identity or role of the third-parties listed. Defendant's request is denied.

Defendant's challenge to the common interest privilege claims is likewise unavailing. Regardless of whether Plaintiff has reflexively claimed the common interest privilege in each entry does not vitiate the otherwise applicable privilege claims made, and Defendant has provided no factual foundation to establish waiver or failure of the other claimed privileges.

Finally, with respect to the media and business advice communications, Defendant has marshaled no evidence to support her speculation that the documents logged as privileged are improperly withheld other than the fact that one member of

Plaintiff's legal team is an author. Plaintiff has represented to the Court and via a detailed privilege log that the communications in question are privileged. Stan Pottinger, the author in question, is a barred attorney of record in this case, incomparable to Defendant's media agent (and non-attorney) Ross Gow. That Pottinger has written non-legal material, or even whether his "primary occupation in the most recent years [is] as a novelist," is irrelevant to whether his communication with Plaintiff as her counsel was for the purpose of providing legal advice. Similarly, Bradley Edwards, who Defendant has already challenged, is an attorney of record in this case, and Defendant has provided no evidence other than the fact of his representation of Plaintiff's non-profit to doubt that the communications logged are privileged.

Having provided no grounds to doubt the sworn representations of Plaintiff's counsel, Defendant's motion to compel these communications is denied. Defendant is granted leave to refile the motions with respect to media and business advice on the basis of relevant and non-specious factual support. Court intervention should not be invoked to resolve routine discovery matters on the basis of a supposition of bad faith. Further filing of frivolous or vexatious motions lacking sufficient factual support to support a colorable argument (or

on the basis of misrepresented or false facts or law) will be met with sanctions.

VII. The Motion for Leave to Serve Three Deposition Subpoenas By Means Other than Personal Service is Granted in Part and Denied in Part

Plaintiff seeks to compel subpoenas to serve Nadia Marcinkova, Sarah Kellen, and Jeffrey Epstein. The request is denied with respect to Epstein as moot. No opposition having been filed and the testimony of Marcinkova and Kellen being relevant to falsity of the defamation at issue, the motion is granted with respect to Marcinkova and Kellen.

VIII. The Motion to Compel Attorney-Client Communications and Work Product is Denied

Defendant argues that "Edwards and Cassell preemptively filed an action against Dershowitz proclaiming they did not violate Rule 11 . . . [and i]n doing so, they voluntarily put at issue and relied on: a) their good faith reliance on information communicated to them by Plaintiff, and b) their work product

showing that their filing was reasonably investigated and substantially justified." Def.'s Reply in Supp. Mot. to Compel all Att'y-Client Comms. and Att'y Work Product at 8-9 (Def.'s Reply on AC"). The Broward County, Florida Court ruled on this argument in Edwards and Cassell v. Dershowitz and Defendant argues in reply that this order is non-binding, and was issued prior to Plaintiff's testimony. Id. at 1.

Defendant was not a party to the Florida case. Nevertheless, Defendant's argument is nearly identical to Dershowitz's. Defendant argues Plaintiff's testimony arose after the ruling in the Florida case, however, the principle of that argument is the same: Defendant placed her attorney-client communications with Edwards and Cassell at issue by relying on the content of those communications in Edwards and Cassell v. Dershowitz. The Florida Court's ruling is therefore highly relevant privilege has not been waived.² The motion is accordingly denied.

² The Court declines to address the choice of law issue, as application of Florida or New York at-issue doctrines are not outcome determinative in this instance and thus no determination is necessary. Compare Coates v. Akerman, Senterfitt & Eidson, P.A., 940 So. 2d 504, 510 (Fla. Dist. Ct. App. 2006) ("for waiver to occur under the at issue doctrine, the proponent of a privilege must make a claim or raise a defense based upon the privileged matter and the proponent must necessarily use the privileged information in order to establish its claim or defense.") with Chin v. Rogoff & Co., P.C., No. 05 CIV.

IX. The Motion to Exceed the Ten Deposition Limit is Granted in Part and Denied in Part

As of the filing of Plaintiff's reply on June 13, 2016, Plaintiff has deposed Defendant, Ms. Sjoberg, Mr. Alessi, Mr. Rodgers, and Mr. Rizzo and scheduled the depositions of Mr. Epstein, Mr. Gow, [REDACTED], Ms. Kellen, Ms. Marcinkova, Mr. Recarey, and Mr. Brunel. Plaintiff now seeks leave of the Court pursuant to Federal Rule of Civil Procedure 30(2)(A)(i) take three additional depositions: Mrs. Alessi, Mr. Reiter, and newly raised in Plaintiff's reply, Former President Clinton.

Discovery being well under way and depositions having been scheduled for more than ten individuals, the motion is timely. "The court must grant a request to exceed ten depositions unless the additional depositions would be unreasonably cumulative or duplicative, the requesting party had a prior opportunity in discovery to obtain the information sought, or the burden or

8360(NRB), 2008 WL 2073934, at *5 (S.D.N.Y. May 8, 2008) ("New York courts have held that an 'at issue' waiver occurs "where a party affirmatively places the subject matter of its own privileged communication at issue in litigation, so that invasion of the privilege is required to determine the validity of a claim or defense of the party asserting the privilege, and application of the privilege would deprive the adversary of vital information.").

expense of additional depositions would outweigh any likely benefit." In re Weatherford Int'l Sec. Litig., No. 11 CIV. 1646 LAK JCF, 2013 WL 5762923, at *2 (S.D.N.Y. Oct. 24, 2013). Plaintiff proposes limiting the length of the proposed depositions to limit any undue burden that might result. Defendant argues the depositions would be unduly cumulative and duplicative.

This case revolves around factual issues between Plaintiff and Defendant. The testimony of Mrs. Alessi concerning relevant facts may tend to either establish or negate falsity of the allegedly defamatory statement. The limited burden of this additional deposition, further mitigated as Plaintiff proposes, is therefore outweighed by the benefit of resolving this case on the merits. The motion with respect to this additional deposition is granted.

The relevance of the testimony of Mr. Reiter and President Clinton have not been adequately established. The motion as to these two depositions is denied. Defendant's request for costs and fees is denied pursuant to this Court's previous ruling with respect to costs and fees.

X. The Motion for Leave to File Excess Pages is Granted

Plaintiff sought leave to file excess pages in response to Defendant's motion to compel attorney-client communications and work product. To the extent the motion is not moot, leave is granted.

XI. Conclusion


As set forth above: the motion for an order of forensic examination is granted in part and denied in part; the motion to compel to compel Plaintiff to disclose alleged on-going criminal investigations by law enforcement is denied; the motion to compel Defendant to answer deposition questions is granted; the motion to compel non-privileged documents is denied; the motion for leave to serve three deposition subpoenas by means other than personal service is granted in part and denied in part; the motion to compel attorney-client communications and work product is denied; the motion to exceed the presumptive ten deposition limit is granted; the motion for leave to file an opposition brief in excess of the 25 pages permitted under this Court's Individual Rules of Practice is granted. This opinion resolves ECF Nos. 96, 101, 143, 155, 160, 164, 172, and 182.

For purposes of managing the filings in this case, the parties are further directed to comply with the Court's Individual Rules of Practice by providing all future motion papers in their full non-redacted form, complete with related declarations and exhibits, in a single complete bound hard copy delivered to Chambers at the time of filing. All soft-copies must be provided by attachment of a single PDF in its full non-redacted form, including all related declarations and exhibits irrespective of whether each attachment or declaration is intended to be filed under seal. Soft-copies must be provided in addition to, not in lieu of, hard-copies.

This matter being subject to a Protective Order, the parties are directed to meet and confer regarding redactions to this Opinion consistent with that Order. The parties are further directed to jointly file a proposed redacted version of this Opinion or notify the Court that none are necessary within two weeks of the date of receipt of this Opinion.

It is so ordered.

New York, NY
June 20, 2016



ROBERT W. SWEET
U.S.D.J.



January 5, 2024

VIA ECF

The Honorable Loretta A. Preska
District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: ***Giuffre v. Maxwell*, Case No. 15-cv-7433-LAP**

Dear Judge Preska,

Pursuant to the Court's December 18, 2023, unsealing order, and following conferral with Defendant, Plaintiff files this set of documents ordered unsealed. The filing of these documents ordered unsealed will be done on a rolling basis until completed. This filing also excludes documents pertaining to Does 105 (*see* December 28, 2023, Email Correspondence with Chambers), 107, and 110 (*see* ECF No. 1319), while the Court's review of those documents is ongoing.

Respectfully,

/s/ Sigrid S. McCawley
Sigrid S. McCawley

cc: Counsel of Record (via ECF)

COMPOSITE EXHIBIT 3

(Filed Under Seal)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

Case No.:
15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendant.

- - - - - x

****CONFIDENTIAL****

Continued Videotaped Deposition of
GHISLAINE MAXWELL, the Defendant herein,
taken pursuant to subpoena, was held at
the law offices of Boies, Schiller &
Flexner, LLP, 575 Lexington Avenue, New
York, New York, commencing July 22,
2016, 9:04 a.m., on the above date,
before Leslie Fagin, a Court Reporter
and Notary Public in the State of New
York.

- - -
MAGNA LEGAL SERVICES
1200 Avenue of the Americas
New York, New York 10026
(866) 624-6221

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2 A. I think everyone here can
3 understand what intercourse is, is when you
4 have sex. I don't know how to say
5 intercourse any other way, having sex with
6 somebody. Perhaps you would like to define
7 it for me.

8 Q. I'm trying to get your definition
9 right now because you are the witness. When
10 you use the term intercourse, what are you
11 referring to?

12 A. I'm referring to a penis entering
13 someone's vagina.

14 Q. Now, have you ever engaged in oral
15 sex?

16 A. In my life?

17 MR. PAGLIUCA: There are specific
18 areas that the court has allowed inquiry
19 into, and those are delineated in the
20 court's order of June 20th. The
21 open-ended "Have you ever engaged in
22 oral sex" is not part of the court's
23 order at page 10, and the court
24 specifically indicated that sexual
25 activity of third parties who bear no

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2 anyone in any of Mr. Epstein's five homes
3 that you have identified?

4 A. Yes.

5 Q. With whom?

6 A. Mr. Epstein.

7 Q. Did you ever have oral sex with
8 anyone in any of Mr. Epstein's five homes
9 that you've identified other than
10 Mr. Epstein?

11 MR. PAGLIUCA: I'm going to
12 instruct you not to answer, unless you
13 tie it to a specific individual related
14 to this case per the court's order.

15 MR. BOIES: I think the court's
16 order specifically permits this question
17 with respect to occasions related to
18 this case. If you instruct her not to
19 answer, all you're going to do is bring
20 her back. That's up to you.

21 MR. PAGLIUCA: It's up to you as
22 the questioner, Mr. Boies. The court's
23 order says the defendant need not answer
24 questions that relate to none of these
25 subjects or that is clearly not relevant

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2 Johanna?

3 A. I would not know. I would say no.

4 Q. Did you engage in sexual activities
5 with Johanna?

6 A. No.

7 Q. Do you know how Johanna came to
8 know Mr. Epstein?

9 A. I met her at her university and she
10 came to answer phones.

11 Q. When you say she came to answer
12 phones, where?

13 A. In Palm Beach.

14 Q. At Mr. Epstein's home in Palm
15 Beach?

16 A. Yes.

17 Q. So is it fair to say that Johanna
18 was initially hired to answer telephones,
19 according to your testimony?

20 MR. PAGLIUCA: This has already
21 been testified to Mr. Boies. We are
22 repeating testimony now.

23 MR. BOIES: I think in the context
24 of the witness' answers, these are fair
25 questions.

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2 Now, I've asked you before, if you
3 want to instruct her not to answer, if
4 you want to go to the judge, we are
5 happy to do that, but I would suggest,
6 in the interest of moving it along, that
7 you stop these speeches.

8 MR. PAGLIUCA: You are not moving
9 it along is the problem, so maybe we
10 should call the court and get some
11 direction here, because I am not going
12 to sit here and rehash the testimony we
13 already gave.

14 MR. BOIES: That's fine.

15 THE VIDEOGRAPHER: The time is
16 10:51 a.m. and we are going off the
17 record.

18 (Whereupon, an off-the-record
19 discussion was held.)

20 THE VIDEOGRAPHER: The time is
21 10:56 a.m. and we are going back on the
22 record. This begins DVD No. 3.

23 MR. BOIES: We have just had a call
24 with Judge Sweet's chambers, Judge Sweet
25 is not available and his chambers

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2 or argue this in front of Judge Sweet.

3 But I will simply start referring
4 you back to the transcript and
5 instructing the witness not to answer
6 when I think we are getting into some
7 things that have been asked and answered
8 already.

9 MR. BOIES: Exactly the procedure
10 that I have proposed from the beginning.
11 If you think a question is out of
12 bounds, instruct not to answer and we
13 will then let the judge decide it.

14 BY MR. BOIES:

15 Q. How did it happen, Ms. Maxwell,
16 that Johanna, who had been hired to answer
17 the phones, ended up giving massages to you
18 and Mr. Epstein?

19 MR. PAGLIUCA: I'm going to
20 instruct you not to answer the question.
21 This has been previously, the subject of
22 your former deposition, it doesn't fall
23 into any of the categories ordered by
24 the court, and so you don't need to
25 answer that.

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2 Q. Was Johanna paid for the massages
3 that she gave you?

4 A. I didn't pay her, so I believe she
5 was paid.

6 Q. Who paid her?

7 A. I don't know who paid her.

8 MR. PAGLIUCA: Again, you've
9 already answered that there was no
10 sexual activity between yourself and
11 Mr. Epstein related to these massages.
12 That's record testimony today. That's
13 within the scope of the court's order.
14 The rest of this is outside the scope of
15 the court's order, and I instruct you
16 not to answer.

17 MR. BOIES: You are taking the
18 position that as long as she said says
19 that a massage did not involve sexual
20 activity, we cannot ask about massages.
21 That's your view?

22 MR. PAGLIUCA: On this particular
23 questioning, yes.

24 BY MR. BOIES:

25 Q. Did Mr. Epstein pay Johanna for the

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2 massages that she gave Mr. Epstein?

3 MR. PAGLIUCA: You just asked this
4 question, and I told her not to answer.
5 I will tell her not to answer again for
6 the same reasons.

7 Q. Do you know how much Mr. Epstein
8 paid Johanna to give massages?

9 MR. PAGLIUCA: Same instruction to
10 the witness. Why do you believe this is
11 within the scope of the court's order?

12 MR. BOIES: Because of the court's
13 reference to massages, and because I
14 think how much a girl who was hired to
15 answer the phone was paid to give a
16 "massage" goes to whether there actually
17 was or was not sexual activity involved.

18 MR. PAGLIUCA: The witness has
19 testified there wasn't.

20 MR. BOIES: Perhaps it will
21 surprise you, I think it should not,
22 that I do not believe in my deposition I
23 need to simply accept her
24 characterization without
25 cross-examination. Now, that's

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2 something the judge can decide, but a
3 question as to how much this young girl
4 was being paid for a "massage", I think
5 goes directly to the issue of sexual
6 activity.

7 MR. PAGLIUCA: Here is the problem,
8 Mr. Boies, at the first deposition,
9 there were very limited instructions not
10 to answer and the witness was not told
11 not to answer questions about how much
12 people were paid or not paid or any of
13 those subject matters. The witness was
14 only instructed not to answer about
15 sexual activity concerning adults in the
16 home.

17 None of this came up during the
18 deposition, and you just don't get a
19 chance to redo the deposition because
20 you feel like you want to.

21 So the judge's order is in the
22 context of the instructions to the
23 witness not to answer in the first
24 deposition, which is simply sexual
25 activity involving adults, which was the

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2 were sex toys or devices used in sexual
3 activities in Mr. Epstein's property in the
4 Virgin Islands?

5 MR. PAGLIUCA: Objection to form
6 and foundation.

7 A. No.

8 Q. Do you know whether Mr. Epstein
9 possessed sex toys or devices used in sexual
10 activities?

11 MR. PAGLIUCA: Objection to form
12 and foundation.

13 A. No.

14 Q. Did you ever assist Mr. Epstein in
15 obtaining sex toys or devices used in sexual
16 activities?

17 MR. PAGLIUCA: Objection to form
18 and foundation.

19 A. No.

20 Q. In the 1990s and 2000s, did you
21 ever have possession of or use sex toys or
22 devices used in sexual activities?

23 A. No.

24 Q. Did you, in the 1990s and 2000s,
25 engage in sexual activities other than

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2 intercourse with women other than what you
3 have testified to already?

4 MR. PAGLIUCA: First of all, I
5 object to the form and foundation and
6 it's also outside of the court's order
7 because it's unclear as you question,
8 and I specifically direct you to the
9 last line of the court's order: Sexual
10 activity of third parties who bear no
11 knowledge or relation to key events,
12 individuals or locations in this case.

13 MR. BOIES: This simply asks yes or
14 no, and I think that it is an
15 appropriate question given some of the
16 witness' prior answers, but there is no
17 point in debating it, because if you
18 instruct her not to answer, the judge
19 will decide whether it's appropriate.

20 MR. PAGLIUCA: I'm just telling you
21 if you tie it to something in this case,
22 I will let her answer.

23 MR. BOIES: Are you instructing her
24 not to answer?

25 MR. PAGLIUCA: Yes, unless you tie

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2 A. I don't recall ever hearing such a
3 thing.

4 Q. You know Mr. Les Wexner, correct?

5 A. I do.

6 Q. Do you know whether or not Maria
7 Farmer was ever at Mr. Wexner's property in
8 Ohio?

9 MR. PAGLIUCA: Can you tell me how
10 that relates to this order, counselor?

11 MR. BOIES: Yes, I think it goes
12 directly to the sexual activity related
13 to Maria Farmer and what Mr. Epstein was
14 doing with Maria Farmer.

15 Again, you can instruct not to
16 answer.

17 MR. PAGLIUCA: I'm trying to
18 understand why you are asking these
19 questions before I --

20 MR. BOIES: I'm asking these
21 questions because these are people who
22 not only have been publicly written
23 about in terms of the sexual activity
24 that they were put into in connection
25 with Mr. Epstein, but the person who

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2 wrote about them is somebody who talked
3 to this witness about it, and I think
4 that this is more than easily understood
5 cross-examination.

6 MR. PAGLIUCA: Your question was,
7 do you know whether or not Maria Farmer
8 was ever at Mr. Wexner's property in
9 Ohio.

10 MR. BOIES: Yes. And if you let
11 her answer, you will see where it leads.
12 If you won't let her answer, the judge
13 is going to determine it. And I just
14 suggest to you that you stop these
15 speeches and stop debating, because you
16 are not going to convince me not to
17 follow-up on these questions. If you
18 can convince the court to truncate the
19 deposition, that's your right, but all
20 you're doing is dragging this deposition
21 out.

22 MR. PAGLIUCA: You have the
23 opportunity to give me a good faith
24 basis why you are asking these
25 questions.

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2 MR. BOIES: I have given you a good
3 faith basis.

4 MR. PAGLIUCA: You haven't.

5 MR. BOIES: Then instruct not to
6 answer.

7 MR. PAGLIUCA: I am giving you the
8 opportunity to say why you are asking
9 the question, and why I'm telling her
10 not to answer and I am entitled to know
11 that.

12 MR. BOIES: You are not entitled to
13 know why I'm asking the question. You
14 are only entitled to know that it
15 relates to the subject matter that I am
16 entitled to inquire about, and I don't
17 think the judge is going to think that,
18 you know, where Mr. Epstein shipped
19 Maria Farmer off to is outside the scope
20 of what I'm entitled to inquire about.

21 THE WITNESS: Can we take a break?

22 MR. BOIES: Only if you commit not
23 to talk to your counsel during the
24 break.

25 THE WITNESS: That's ludicrous.

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2 Q. Insofar as you were aware, did
3 Virginia Roberts ever have a male friend that
4 visited her at the Epstein residences?

5 A. I don't recall ever seeing a man
6 with Virginia. I believe she had a fiance
7 that I was aware of, I think, but that's all.

8 Q. When were you aware that Virginia
9 Roberts had a fiance?

10 A. I can't say I became aware from
11 reading all this stuff, or I was aware of it
12 at the time. I don't know.

13 Q. Did you ever meet Virginia Roberts'
14 fiance?

15 A. I don't think I ever did. I don't
16 recall meeting any men with Virginia.

17 Q. Do you know [REDACTED],

18 [REDACTED]

19 A. I never heard that name before.

20 Q. Have you ever heard the name of
21 Carolyn Andriamo, A-N-D-R-I-A-M-O?

22 A. I don't recollect that name at all.

23 MR. PAGLIUCA: Mr. Boies, those
24 names are on Exhibit 26, which we have
25 already gone over and she said she

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2 didn't recognize those people, so now we
3 are just repeating things that we went
4 over.

5 MR. BOIES: I am in the context of
6 seeing if I can refresh her
7 recollection, because these are women
8 that Mr. Figueroa, who she also does not
9 recall, brought over to Mr. Epstein's
10 residences, and I also want to make a
11 very clear record of what her testimony
12 is and is not right now.

13 Again, you can instruct her not to
14 answer if you wish.

15 MR. PAGLIUCA: I'm trying to get to
16 nonrepetitive questions here. You
17 basically asked the same question three
18 times. Then we get a pile of notes that
19 get pushed up to you, you read those.
20 Then you ask those three times, and then
21 we go to another question. So it's
22 taking an inordinately long amount of
23 time and it shouldn't.

24 MR. BOIES: I think that is a
25 demonstrably inaccurate statement of

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2 what has been going on, and I
3 attribute -- maybe I shouldn't attribute
4 it at all.

5 But if you want to instruct not to
6 answer, instruct not to answer. If you
7 don't, again, all I will do is request
8 that you cease your comments. I can't
9 do that. All I can do is seek sanctions
10 afterwards.

11 BY MR. BOIES:

12 Q. Ms. Maxwell.

13 A. Mr. Boies.

14 Q. What?

15 A. I'm replying. You said Ms.

16 Maxwell, I said Mr. Boies.

17 Q. Do you have a question?

18 A. No.

19 Q. I have a question.

20 A. I'm sure you do.

21 Q. During the time that you were in
22 the property or at the property that
23 Mr. Epstein has in the Virgin Islands, were
24 you aware of Mr. Epstein getting any
25 massages?

Confidential

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1 G. Maxwell - Confidential

2 court's order.

3 Q. In terms of preparing for this
4 deposition, what documents did you review?

5 MR. PAGLIUCA: To the extent I
6 provided you with any documents to
7 review, I will tell you that's both --
8 it's privileged and I instruct you not
9 to answer.

10 Q. Did your lawyer provide you with
11 any documents to review in preparation for
12 this deposition that refreshed your
13 recollection about any of the events that
14 occurred?

15 MR. PAGLIUCA: You can answer that
16 question.

17 A. No.

18 Q. How many documents did your lawyer
19 provide you with?

20 MR. PAGLIUCA: You can answer.

21 A. One, I believe.

22 Q. One document. Was that a document
23 that had been prepared by your attorney, or
24 was it a document from the past?

25 MR. PAGLIUCA: I will tell you not

Confidential

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1 G. Maxwell - Confidential

2 MR. PAGLIUCA: Don't answer that
3 question. It's outside the court's
4 order.

5 Q. In 2005, were you aware of any
6 effort to destroy records of messages you had
7 taken of women who had called Mr. Epstein in
8 the prior period?

9 MR. PAGLIUCA: Don't answer that
10 question. It's outside the court's
11 order.

12 MR. BOIES: I said I would give you
13 a break every hour. It's been an hour.

14 MR. PAGLIUCA: Do you want a break
15 or do you want to keep going?

16 THE WITNESS: Keep going.

17 MR. BOIES: What I told you before,
18 you asked for a break every hour. I am
19 happy to give you a break at a fixed
20 time. What I'm not happy to do is
21 interrupt a chain of examination.

22 So if you want a break now, we will
23 take a break now. If you don't want a
24 break now, we will not break for another
25 hour.

Confidential

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1 G. Maxwell - Confidential

2 Q. Next one is Heidi --

3 A. Tony is Virginia's guy that you
4 asked me about. I don't know Tony.

5 Q. I asked you about a Tony Figueroa.

6 A. Right, I don't know him, so I'm
7 guessing, I don't know him.

8 Q. Nicole?

9 A. No.

10 Q. Colleen?

11 A. No.

12 Q. Crystal?

13 A. I don't know who these people are.

14 Q. Was there a list that was kept of
15 women or girls who provided massages?

16 MR. PAGLIUCA: This has been
17 previously deposed on. This is not part
18 of the court's order, I will tell her
19 not to answer.

20 MR. BOIES: You are going to tell
21 her not to answer a question that says
22 was there a list of women or girls who
23 provided massages?

24 MR. PAGLIUCA: She has been
25 previously deposed on this subject.

Confidential

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1 G. Maxwell - Confidential

2 MR. BOIES: I think this is
3 squarely in the court's order, but if
4 you instruct her not to answer, you
5 instruct her not to answer.

6 MR. PAGLIUCA: We'll find out.

7 BY MR. BOIES:

8 Q. I take it you don't know the ages
9 of any of these people?

10 A. The ones that I did recognize were
11 roughly my age. The ones I don't know, I
12 wouldn't have a clue.

13 Q. Did you, or insofar as you are
14 aware anyone, maintain a list of females that
15 provided massage services to Mr. Epstein at
16 his residences?

17 MR. PAGLIUCA: Objection to form
18 and foundation.

19 You can answer if you can.

20 A. I don't know anything about a list.

21 Q. Let me go back to Exhibit 28. I
22 want to go down this list, excluding
23 Mr. Epstein himself, and just ask you a
24 series of the same essential questions about
25 each one.

Confidential

Page 197

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CERTIFICATE

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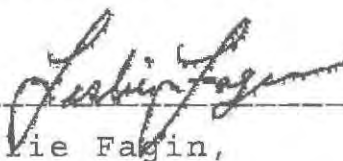
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I HEREBY CERTIFY that GHISLAINE
MAXWELL, was duly sworn by me and that the
deposition is a true record of the testimony
given by the witness.

9

10

11



Leslie Fagin,

Registered Professional Reporter

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Dated: July 22, 2016

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(The foregoing certification of
this transcript does not apply to any
reproduction of the same by any means, unless
under the direct control and/or supervision
of the certifying reporter.)



**COMPOSITE
EXHIBIT 4
(Filed Under Seal)**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,
Plaintiff,

v.

GHISLAINE MAXWELL,
Defendant.

_____/

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 1 of 2

Pages 1 - 157

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company
B. Paul Katz Professional Center
(SunTrust Building)
One Florida Park Drive South
Suite 214
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR
Florida Professional Reporter
Court Reporter and Notary Public

1 Q I guess my question is: Did she ever tell
2 you that she had started as a regular masseuse for
3 him and then transitioned to something other than a
4 masseuse?

5 A No. She never said that it transitioned.
6 But she ended up explaining to me what had happened
7 before, so...

8 Q What has -- what is that?

9 A That her and Ms. Maxwell and Jeffrey would
10 obviously be doing stuff, all three of them
11 together. Like I said, that they would all go out
12 to clubs to pick up girls and try and find them to
13 bring back for Jeffrey. And then she told me about
14 how, like I said, her and Ms. Maxwell and Jeffrey
15 were all intimate together on multiple occasions.

16 Q When did she tell you this?

17 A I'm not exactly sure on the dates.

18 Q Was it while you were still together?

19 A Yes.

20 Q Did you -- had you met Ms. Maxwell?

21 A Yeah, I had met her a couple of times.

22 Q When did you meet Ms. Maxwell?

23 A Dates, I'm unsure of. But it was pretty
24 much, like I said, at Jeffrey's house in the
25 kitchen.

1 Q Was it earlier in the time you were with
2 her, or...

3 A It was about -- I'd say about six months
4 or so. I don't know. I'm not exactly positive.

5 Q All right. So at the time you met
6 Ms. Maxwell, had Ms. Roberts already told you that
7 she had been intimate?

8 A No. She had told me about that, I
9 believe, after I had max- -- after I had already met
10 her.

11 Q Okay. And tell me everything that you
12 remember about what Ms. Roberts said about being
13 intimate with Ms. Maxwell and Mr. Epstein at the
14 same time.

15 A I remember her talking about, like,
16 strap-ons and stuff like that. But, I mean, like I
17 said, all the details are not really that clear.
18 But I remember her talking about, like, how they
19 would always be using and stuff like that.

20 Q She and Ms. Maxwell and Mr Epstein would
21 used strap-ons?

22 A Uh-huh (affirmative).

23 Q How did you feel about that?

24 A I just -- obviously not happy about it.

25 Q What did you say?

1 A I did not.

2 Q When the FBI interviewed you, did you
3 mention this to them?

4 A I mentioned -- anything they asked me, I
5 did not hold anything back.

6 Q Okay. Do you recall specifically talking
7 about sex with the Prince?

8 A I -- I don't recall talking to them about
9 that, but, I mean, it's -- it could be possible.

10 Q Other than sex with the Prince, is there
11 anyone else that Jeffrey wanted Ms. Roberts to have
12 sex with that she relayed to you?

13 A Mainly, like I said, just Ms. Maxwell and
14 all the other girls.

15 Q Ms. Maxwell wanted -- Jeffrey wanted
16 Virginia to have sex with Ms. Maxwell?

17 A And him, yeah.

18 Q And did she tell you whether she had ever
19 done that?

20 A Yeah. She said that she did.

21 Q And when did she tell you that?

22 A I'm not sure on the date.

23 Q And what did she describe having happened?

24 A I believe I already told you that. With
25 the strap-ons and dildos and everything.

1 Q Was it one event or more than one event?

2 A I'm positive it was more than one.

3 Q Why do you say that?

4 A Because they were always with each other.

5 Like, any time she would talk to me about them going
6 to do stuff, it was with her and Ms. Maxwell. Like,
7 they were always out, like, trying to get girls and
8 whatnot.

9 Q Okay. Did you ever participate in getting
10 girls?

11 A Yes. But...

12 Q Tell me what you mean. What did you do?
13 When you say 'get girls,' what do you mean?

14 A Pretty much I got some of my friends that
15 I knew, because Virginia was looking for other girls
16 to go over there, because Jeffrey was giving us \$200
17 apiece for every one that we brought over. And
18 I'll -- pretty much I would get friends that I went
19 to school with, and I would take them over there and
20 introduce them, and then I would just leave.

21 Q What did you tell them they were going to
22 do?

23 A A masseuse, like, and then I told them --
24 I was, like, "Now, listen." I was, like, "I'm
25 letting you know I don't know what he's going to ask

1 CERTIFICATE OF REPORTER

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STATE OF FLORIDA)

3)

COUNTY OF VOLUSIA)

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I, Leanne W. Fitzgerald, Court Reporter, do hereby certify that I was authorized to and did stenographically report the deposition of TONY FIGUEROA; and that the foregoing transcript is a true record of my stenographic notes.

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I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

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Dated this 5th day of July, 2016.

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Leanne W. Fitzgerald, FPR
Florida Professional Reporter

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Digital Certificate Authenticated
By Symantec

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

_____/

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 2 of 2

Pages 158 - 258

Taken at the Instance of the Defendant

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PLACE: Southern Reporting Company
B. Paul Katz Professional Center
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Suite 214
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR
Florida Professional Reporter
Court Reporter and Notary Public

1 MS. MENNINGER: Objection. Form.

2 Foundation.

3 A For Jeffrey.

4 BY MR. EDWARDS:

5 Q All right. Let me fix this. Ghislaine --
6 when Ghislaine Maxwell would call you during the
7 time that you were living with Virginia, she would
8 ask you what, specifically?

9 MS. MENNINGER: Objection. Form.

10 Foundation.

11 A Just if I had found any other girls just
12 to bring to Jeffrey.

13 BY MR. EDWARDS:

14 Q Okay.

15 A Pretty much every time there was a
16 conversation with any of them, it was either asking
17 Virginia where she was at, or asking her to get
18 girls, or asking me to get girls.

19 Q All right. Let's go to that second
20 category you just identified, which is asking
21 Virginia to get girls. How many times were you in a
22 room where specifically Ghislaine Maxwell would ask
23 Virginia to bring girls?

24 A None that I can recall.

25 Q Okay. How many times -- when you say they

1 CERTIFICATE OF REPORTER

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STATE OF FLORIDA)

3)

COUNTY OF VOLUSIA)

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I, Leanne W. Fitzgerald, Court Reporter, do hereby certify that I was authorized to and did stenographically report the deposition of TONY FIGUEROA; and that the foregoing transcript is a true record of my stenographic notes.

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I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

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Dated this 5th day of July, 2016.

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Leanne W. Fitzgerald, FPR
Florida Professional Reporter

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EXHIBIT 5

(Filed Under Seal)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

May 18, 2016

9:04 a.m.

C O N F I D E N T I A L

Deposition of JOHANNA SJOBERG, pursuant
to notice, taken by Plaintiff, at the
offices of Boies Schiller & Flexner, 401
Las Olas Boulevard, Fort Lauderdale, Florida,
before Kelli Ann Willis, a Registered
Professional Reporter, Certified Realtime
Reporter and Notary Public within and
for the State of Florida.

1 Q. Okay. Great.

2 All right. Do you know a female by the
3 name of Ghislaine Maxwell?

4 A. Yes.

5 Q. And when did you first meet Ms. Maxwell?

6 A. 2001. March probably. End of
7 February/beginning of March.

8 Q. And how did you meet her?

9 A. She approached me while I was on campus at
10 Palm Beach Atlantic College.

11 Q. And what happened when she approached you?

12 A. She asked me if I could tell her how to
13 find someone that would come and work at her house.
14 She wanted to know if there was, like, a bulletin
15 board or something that she could post, that she was
16 looking for someone to hire.

17 Q. And what did you discuss with her?

18 A. I told her where she could go to -- you
19 know, to put up a listing. And then she asked me if
20 I knew anyone that would be interested in working
21 for her.

22 Q. Did she describe what that work was going
23 to be?

24 A. She explained that she lived in Palm Beach
25 and didn't want butlers because they're too stuffy.

1 And so she just liked to hire girls to work at the
2 house, answer phones, get drinks, do the job a
3 butler would do.

4 Q. And did she tell you what she would pay
5 for that kind of a job?

6 A. At that moment, no, but later in the day,
7 yes.

8 Q. And what did she say?

9 A. Twenty dollars an hour.

10 Q. Was there anybody else with Ms. Maxwell
11 when you met her?

12 A. There was another woman with her. I don't
13 recall her or what she looks like or how old she
14 was.

15 Q. And what happened next?

16 A. And then she asked me if I would be
17 interested in working for her. And she told me that
18 she was -- I could trust her and that I could jump
19 in her car and go check out the house at that moment
20 if I wanted.

21 And so I said, Sure, let's do it, and went
22 to her home with her.

23 Q. And where was that home?

24 A. In Palm Beach.

25 Q. And did she describe that home as being

1 Q. And how long did you work in that position
2 answering phones and doing --

3 A. Just that one day.

4 Q. Just that one day.

5 And did your duties change?

6 A. Well, the next time she called me, she
7 asked me if I wanted to come over and make \$100 an
8 hour rubbing feet.

9 Q. And what did you think of that offer?

10 A. I thought it was fantastic.

11 Q. And did you come over to the house for
12 that purpose?

13 A. Yes.

14 Q. And when you came over to the house, was
15 Maxwell present?

16 A. I don't recall.

17 Q. And what happened that second time you
18 came to the house?

19 A. At that point, I met Emmy Taylor, and she
20 took me up to Jeffrey's bathroom and he was present.
21 And her and I both massaged Jeffrey. She was
22 showing me how to massage.

23 And then she -- he took -- he got off the
24 table, she got on the table. She took off her
25 clothes, got on the table, and then he was showing

1 me moves that he liked. And then I took my clothes
2 off. They asked me to get on the table so I could
3 feel it. Then they both massaged me.

4 Q. So it was more than a foot massage at that
5 point?

6 A. Yeah, it was mostly, like, legs and back.

7 Q. Was everybody in the room without clothes
8 on?

9 A. When they were on the massage table, yes.

10 Q. Did they -- when they got off the massage
11 table to perform the massage, did they dress or
12 did --

13 A. Yes.

14 Q. They dressed.

15 And do you recall who paid you for that
16 first day that you did the massages?

17 A. I don't recall.

18 Q. Do you recall whether Maxwell was at the
19 house during that first day when you were doing the
20 massage with Emmy and Jeffrey?

21 MS. MENNINGER: Objection, asked and
22 answered.

23 BY MS. McCAWLEY:

24 Q. You can answer.

25 A. I don't recall.

1 A. No, I only -- to you, I said that to you.
2 I just saw her as perhaps someone who may not have
3 had a strong family, and they took her under their
4 wing.

5 Q. Now, you mentioned remembering going to
6 Atlantic City.

7 Did you go -- where did you go after
8 Atlantic City?

9 A. Once we landed in New York, Emmy and I
10 went in a car and drove around the city for a half
11 hour or so, just to see some of the city.

12 Q. And then where did you go after doing the
13 sightseeing?

14 A. We went to the townhouse on East 71st.

15 Q. And can you describe that location for me?

16 A. Sure. Between Madison and Park. I think
17 the address might have been 9 East 71st Street.

18 Q. And who owned that home?

19 A. As far as I knew, Epstein.

20 Q. Can you describe for me physically what --

21 A. Palatial. When you walk up, it looks like
22 a normal door to a townhouse, and when you walk
23 in -- I thought there were four floors. I heard
24 there were seven floors. I didn't see them all.

25 Q. And do you recall who, if anybody, was at

1 Jeffrey's home when you arrived?

2 A. Yes. When I first walked in the door, it
3 was just myself, and Ghislaine headed for the
4 staircase and said -- told me to come up to the
5 living room.

6 Q. And what happened at that point, when you
7 came up to the living room?

8 A. I came up and saw Virginia, Jeffrey,
9 Prince Andrew, Ghislaine in the room.

10 Q. And did you meet Prince Andrew at that
11 time?

12 A. Yes.

13 Q. And what happened next?

14 A. At one point, Ghislaine told me to come
15 upstairs, and we went into a closet and pulled out
16 the puppet, the caricature of Prince Andrew, and
17 brought it down. And there was a little tag on the
18 puppet that said "Prince Andrew" on it, and that's
19 when I knew who he was.

20 Q. And did -- what did the puppet look like?

21 A. It looked like him. And she brought it
22 down and presented it to him; and that was a great
23 joke, because apparently it was a production from a
24 show on BBC. And they decided to take a picture
25 with it, in which Virginia and Andrew sat on a

1 couch. They put the puppet on Virginia's lap, and I
2 sat on Andrew's lap, and they put the puppet's hand
3 on Virginia's breast, and Andrew put his hand on my
4 breast, and they took a photo.

5 Q. Do you remember who took the photo?

6 A. I don't recall.

7 Q. Did you ever see the photo after it was
8 taken?

9 A. I did not.

10 Q. And Ms. Maxwell was present during the --
11 was Ms. Maxwell present during that?

12 A. Yes.

13 Q. What happened next?

14 A. The next thing I remember is just being
15 shown to which room I was going to be staying in.

16 Q. When you exited the room that you were in
17 where the picture was taken, do you recall who
18 remained in that room?

19 A. I don't.

20 Q. Do you recall seeing Virginia exit that
21 room?

22 A. I don't.

23 Q. During this trip to New York, did you have
24 to perform any work when you were at the New York
25 house?

1 A. I performed at least one massage that I
2 recall.

3 Q. And who instructed you to give that
4 massage?

5 A. Jeffrey.

6 Q. And can you describe for me what happened
7 during that massage?

8 A. Near the end, he asked me to rub his
9 nipples while he masturbated.

10 Q. And did that take place?

11 A. It did not.

12 Q. And why not?

13 A. I was not comfortable with it. And so I
14 left the room.

15 Q. Did you have any -- did you say anything
16 to him before leaving the room?

17 A. I believe I said, "I'm done."

18 Q. Do you recall what his reaction was to
19 that?

20 A. I do not. At the time, at that moment, I
21 do not.

22 Q. Did you recall later what --

23 A. Well, we had a conversation a little
24 later, talking about his expectations, and that was
25 the conversation where he said that the next trip

1 Q. Did you observe her to be young when you
2 met her?

3 MS. MENNINGER: Objection, vague as to
4 time.

5 THE WITNESS: All of the women were
6 generally young. I did not know the ages of
7 really anyone, so...

8 BY MS. McCAWLEY:

9 Q. How many massages did Jeffrey receive on
10 average in a given day?

11 MS. MENNINGER: Objection, foundation.

12 THE WITNESS: Three a day.

13 BY MS. McCAWLEY:

14 Q. Let me back up for a moment.

15 How long did you work for Jeffrey and
16 Ghislaine?

17 MS. MENNINGER: Objection, leading and
18 foundation.

19 THE WITNESS: I believe it was five years,
20 2001 to 2006.

21 BY MS. McCAWLEY:

22 Q. And how many massages did Epstein receive
23 per day on average?

24 MS. MENNINGER: Objection, foundation.

25 THE WITNESS: Three.

1 BY MS. McCAWLEY:

2 Q. Were the massages performed by the same
3 girl or different females?

4 A. Different.

5 MS. MENNINGER: Objection, foundation.

6 BY MS. McCAWLEY:

7 Q. What did the females who performed the
8 massages look like?

9 MS. MENNINGER: Objection, foundation.

10 THE WITNESS: They all looked different.
11 Some of them were ethnic, some were blond, some
12 were short, some were tall. Everyone was thin.

13 BY MS. McCAWLEY:

14 Q. Were the girls who performed the massages
15 young or old?

16 MS. MENNINGER: Objection, foundation.

17 THE WITNESS: I don't recall anyone being
18 old.

19 BY MS. McCAWLEY:

20 Q. Do you recall anybody being over the age
21 of, say, 25?

22 MS. MENNINGER: Objection, form.

23 THE WITNESS: Yeah, I believe there was
24 probably a few women that were older than 25.

25 MS. MENNINGER: I'm sorry. I get a chance

1 to object and then you can still answer. No
2 one is going to stop you from answering. I
3 just need to get the objection on the record,
4 in the same way she needs to be able to talk
5 before you. My apologies. I'm not trying to
6 cut you off, but I am supposed to get it in
7 before you answer.

8 BY MS. McCAWLEY:

9 Q. Did Jeffrey ever tell you why he received
10 so many massages from so many different girls?

11 MS. MENNINGER: Objection, hearsay.

12 BY MS. McCAWLEY:

13 Q. You can answer.

14 A. He explained to me that, in his opinion,
15 he needed to have three orgasms a day. It was
16 biological, like eating.

17 Q. And what was your reaction to that
18 statement?

19 A. I thought it was a little crazy.

20 Q. And what did -- do you recall what -- when
21 you observed the other females giving massages, do
22 you recall what they would dress like? Did they
23 wear scrubs or did they typically wear normal
24 clothes?

25 A. Normal clothes.

1 MS. MENNINGER: Objection, leading.

2 BY MS. McCAWLEY:

3 Q. Do you believe that from your
4 observations, Maxwell and Epstein were boyfriend and
5 girlfriend?

6 A. Initially, yes.

7 Q. Did Maxwell ever share with you whether it
8 bothered her that Jeffrey had so many girls around?

9 MS. MENNINGER: Objection, leading,
10 hearsay.

11 THE WITNESS: No. Actually, the opposite.

12 BY MS. McCAWLEY:

13 Q. What did she say?

14 A. She let me know that she was -- she would
15 not be able to please him as much as he needed and
16 that is why there were other girls around.

17 Q. Did there ever come a time -- did you ever
18 take a photography class in school?

19 A. Yes.

20 Q. And did there ever come a time when
21 Maxwell offered to buy you a camera?

22 A. Yes.

23 MS. MENNINGER: Objection, leading.

24 BY MS. McCAWLEY:

25 Q. Did Maxwell ever offer to buy you a

1 camera?

2 MS. MENNINGER: Objection, leading.

3 THE WITNESS: Yes.

4 BY MS. McCAWLEY:

5 Q. Was there anything you were supposed to do
6 in order to get the camera?

7 MS. MENNINGER: Objection, leading.

8 THE WITNESS: I did not know that there
9 were expectations of me to get the camera until
10 after. She had purchased the camera for me,
11 and I was over there giving Jeffrey a massage.
12 I did not know that she was in possession of
13 the camera until later.

14 She told me -- called me after I had left
15 and said, I have the camera for you, but you
16 cannot receive it yet because you came here and
17 didn't finish your job and I had to finish it
18 for you.

19 BY MS. McCAWLEY:

20 Q. And did you -- what did you understand her
21 to mean?

22 A. She was implying that I did not get
23 Jeffrey off, and so she had to do it.

24 Q. And when you say "get Jeffrey off," do you
25 mean bring him to orgasm?

1 A. Yes.

2 Q. Did Ghislaine ever describe to you what
3 types of girls Jeffrey liked?

4 A. Model types.

5 Q. Did Ghislaine ever talk to you about how
6 you should act around Jeffrey?

7 A. She just had a conversation with me that I
8 should always act grateful.

9 Q. Did Jeffrey ever tell you that he took a
10 girl's virginity?

11 A. He did not tell me. He told a friend of
12 mine.

13 Q. And what do you recall about that?

14 MS. MENNINGER: Objection, hearsay,
15 foundation.

16 THE WITNESS: He wanted to have a friend
17 of mine come out who was cardio-kickboxer
18 instructor. She was a physical trainer.

19 And so I brought her over to the house,
20 and he told my friend Rachel that -- he said,
21 You see that girl over there laying by the
22 pool? She was 19. And he said, I just took
23 her virginity. And my friend Rachel was
24 mortified.

25

1 BY MS. McCAWLEY:

2 Q. Based on what you knew, did Maxwell know
3 that the type of massages Jeffrey was getting
4 typically involved sexual acts?

5 MS. MENNINGER: Objection, foundation,
6 leading.

7 THE WITNESS: Yes.

8 BY MS. McCAWLEY:

9 Q. What was Maxwell's main job with respect
10 to Jeffrey?

11 MS. MENNINGER: Objection, foundation.

12 THE WITNESS: Well, beyond companionship,
13 her job, as it related to me, was to find other
14 girls that would perform massages for him and
15 herself.

16 BY MS. McCAWLEY:

17 Q. Did Maxwell ever refer to the girls in a
18 particular way?

19 A. At one point when we were in the islands,
20 we were all watching a movie and she called us her
21 children.

22 Q. Did anybody respond to that?

23 A. I don't recall.

24 Q. Did she ever refer to herself as a mother?

25 A. Yes, like a mother hen.

1 time.

2 Q. Did Epstein try to make the massages
3 sexual?

4 A. On occasion.

5 Q. Would Epstein have you rub his nipples?

6 A. Yes.

7 Q. Would he masturbate during the massages?

8 A. Yes.

9 Q. Did he use sex toys or vibrators on you?

10 A. Yes.

11 Q. Would he leave the sex toys or vibrators
12 out after the massage or would he clean up after
13 himself?

14 MS. MENNINGER: Objection, vague, form.

15 THE WITNESS: He did not ever clean up.

16 BY MS. McCAWLEY:

17 Q. Do you believe that your experience during
18 the years you were with Jeffrey and Maxwell damaged
19 you?

20 MS. MENNINGER: Objection, leading, form.

21 THE WITNESS: It affected me. "Damaged"
22 is a strong word.

23 BY MS. McCAWLEY:

24 Q. And in what way did it affect you?

25 A. It affected future relationships with men,

1 trust issues, expectation issues.

2 Q. Did you observe Nadia Marcinkova and
3 Ghislaine at the house at the same time?

4 MS. MENNINGER: Objection, leading, form.

5 THE WITNESS: I don't recall.

6 BY MS. McCAWLEY:

7 Q. On the USVI trip, the second trip that you
8 took, do you recall Nadia Marcinkova being present?

9 A. I believe she was present at that trip.

10 Q. Do you recall Maxwell being present on
11 that trip?

12 A. Yes.

13 Q. Do you know an individual by the name of
14 [REDACTED]?

15 A. Yes.

16 Q. And who is [REDACTED]?

17 A. She was one of the girls that was around.

18 Q. Was [REDACTED] around both Jeffrey Epstein
19 and Ghislaine Maxwell?

20 A. I don't recall.

21 Q. Do you recall where you first met [REDACTED]
22 [REDACTED]?

23 A. In Palm Beach.

24 Q. At Jeffrey Epstein's home?

25 A. Yes.

1 Q. And what -- do you recall any observations
2 about [REDACTED] when you met her?

3 A. To speak with, she was a little rough
4 around the edges, and I could see the progression of
5 her being groomed a little. They got her braces.
6 She had terrible posture. And with a lot of
7 massages, she learned to stand up straight. So I
8 just saw her become a much more confident person.

9 Q. Do you recall how old she was when you
10 first met her?

11 A. I assumed she was 18, but I do not know
12 her age.

13 MS. McCAWLEY: We're going to take a break
14 really quickly and then we will be back. So we
15 are going to go off the record.

16 THE VIDEOGRAPHER: Off the record at 9:48.

17 (Thereupon, a recess was taken, after
18 which the following proceedings were held:)

19 THE VIDEOGRAPHER: On the record at 9:58.

20 BY MS. McCAWLEY:

21 Q. I'm just going to resume. I have a few
22 more questions for you.

23 You mentioned visiting the US Virgin
24 Islands.

25 Do you recall doing any activities with

1 Maxwell when you were on the visit to the USVI?

2 MS. MENNINGER: Objection, vague as to
3 time.

4 THE WITNESS: I don't recall.

5 BY MS. McCAWLEY:

6 Q. Do you recall ever going hiking with her?

7 A. Yes.

8 Q. Did Maxwell ever ask you to try to bring
9 other girls over for Jeffrey?

10 A. At that time?

11 Q. Yes.

12 A. No.

13 Q. Any other time?

14 A. Well, she had asked me if I knew anyone
15 that could perform massages that would come to the
16 house.

17 Q. And what was your understanding of that
18 request?

19 MS. MENNINGER: Objection.

20 THE WITNESS: Well --

21 MS. MENNINGER: Form.

22 THE WITNESS: -- I just wondered why they
23 wouldn't just call me.

24 BY MS. McCAWLEY:

25 Q. And did you bring anybody else over to

1 perform massages?

2 A. I did not.

3 Q. When you were either in the USVI or in
4 Palm Beach, did you ever observe any females either
5 topless or naked out by the pool?

6 A. Yes.

7 Q. What did you observe?

8 A. Mostly skinny-dipping.

9 Q. Do you know who the individuals were that
10 you observed?

11 A. Sarah Kellen and Ghislaine.

12 Q. Anybody else?

13 A. Yes, but I don't recall who.

14 Q. Did that happen on more than one occasion?

15 A. Yes.

16 Q. How often do you remember making those
17 observations?

18 A. Three times.

19 Q. Do you recall giving a statement to the
20 police regarding Jeffrey Epstein?

21 A. Yes.

22 Q. Do you recall when you gave that
23 statement?

24 A. I don't recall the date.

25 Q. Do you recall the year?

1 post that she needed help.

2 She then asked me if I knew anyone, and I
3 didn't know who she was, I didn't want to take the
4 responsibility of finding someone to work for her,
5 and so I said, Sorry, I don't.

6 And then she said, Well, maybe what about
7 you?

8 And I was at a point in life, I was super
9 spontaneous and willing to skip school.

10 So she said, Come to my house, come in my
11 car and check it out.

12 And so I did.

13 Q. Okay. So for those of you -- of us who
14 don't know, is this like a college campus, like a
15 traditional college campus, or is it in a city
16 setting?

17 A. It's in a city setting. I mean, Palm
18 Beach is not a big city. So it's on the
19 Intracoastal, and there was a big grassy area that
20 were surrounded by buildings, so she was inside of
21 the campus.

22 Q. And she was looking for a bulletin board
23 where she could post a job?

24 A. Something like that, yes.

25 Q. Did she have any kind of flyers --

1 the news channel 12 showed up at my door asking me
2 questions.

3 Q. When Jeffrey was pressuring you to do more
4 than you felt comfortable with, did you observe him
5 being more aggressive in general? Outside of the
6 massage context?

7 MS. McCAWLEY: Objection.

8 THE WITNESS: No.

9 BY MS. MENNINGER:

10 Q. Do you know whether he was taking any type
11 of steroids?

12 A. No.

13 Q. Did you ever see him wearing a patch or
14 something like that?

15 A. I don't recall.

16 Q. Did you tell anyone that Jeffrey was
17 becoming more aggressive with you contemporaneous
18 with when it was happening?

19 MS. McCAWLEY: Objection.

20 THE WITNESS: No.

21 BY MS. MENNINGER:

22 Q. When Jeffrey asked you to do other things
23 besides a normal massage, did he offer to pay you
24 additionally?

25 A. Yes.

1 Q. How much?

2 A. One hundred dollars extra.

3 Can I clarify?

4 Q. Absolutely.

5 A. He didn't ever say he would pay me more,
6 but when the massage was more than just a massage
7 and it was sexual, then he would pay me more.

8 Q. It wasn't a discussion; it's just what
9 happened?

10 A. Correct.

11 Q. Thank you for clarifying.

12 The things that took place with you and
13 Jeffrey behind closed doors were when you were a
14 consenting adult, correct?

15 A. Yes.

16 MS. McCAWLEY: Objection.

17 THE WITNESS: Correct.

18 BY MS. MENNINGER:

19 Q. And you did not have knowledge of what
20 took place with other women behind closed doors and
21 Jeffrey, correct?

22 MS. McCAWLEY: Objection.

23 THE WITNESS: Correct.

24 BY MS. MENNINGER:

25 Q. Do you recall giving an interview to a

1 story out, because this is when Dershowitz --
2 Dershowitz was saying nothing was happening and
3 he was calling her a liar. And she was just
4 trying to find people to back up her story.

5 BY MS. MENNINGER:

6 Q. And what did you understand her story to
7 be? Did she tell you?

8 A. That she was recruited to give massages,
9 sexual massages, and have sex with people such as
10 Dershowitz and Andrew. But I knew none of that at
11 the time.

12 Q. Right. Did you tell them anything -- did
13 you tell them during that meeting that you knew of
14 anything about her being recruited to give sex to
15 either Jeffrey or to other people?

16 MS. McCAWLEY: Objection.

17 THE WITNESS: Can you rephrase?

18 BY MS. MENNINGER:

19 Q. Yes. That wasn't a very good question.

20 What did you say during this meeting with
21 Virginia and her investigator?

22 A. Basically that I believed her, even though
23 I -- she never spoke to me specifically about what
24 was going on; that once I learned everything that
25 happened based on reading the police report, I

1 believed her side of the story.

2 Q. And did she tell you what her side of the
3 story was?

4 A. You know, just that she wasn't a liar;
5 that, you know, she was there to have sex with men
6 that Jeffrey wanted her to sleep with.

7 Q. Did she tell you in that meeting who she
8 had sex with?

9 A. No.

10 Q. Did she name any of the famous people?

11 A. Only Dershowitz came up.

12 Q. Did you two talk about the incident in New
13 York with the puppet?

14 A. I don't recall.

15 Q. And you formed this opinion about whether
16 she was a liar based on things that you've read in
17 the police report?

18 MS. McCAWLEY: Objection.

19 THE WITNESS: I formed my opinion based on
20 my experience in the house.

21 BY MS. MENNINGER:

22 Q. Okay. And what experience in the house
23 helped you form your opinion that what Virginia is
24 saying is true?

25 A. You know, Jeffrey being open with me about

1 A. Flight logs.

2 Q. Any other documents?

3 A. No.

4 Q. What did Ms. McCawley or Mr. Edwards or
5 any of the other lawyers say to you about Ghislaine
6 Maxwell?

7 A. They just asked impressions. They never
8 said anything about her.

9 Q. Were you shown a copy of any report that
10 came out of that interview?

11 A. Which interview?

12 Q. The one with the -- Virginia's attorneys.

13 MS. McCAWLEY: Objection.

14 THE WITNESS: No.

15 BY MS. MENNINGER:

16 Q. You testified earlier about an incident
17 with a camera that Ghislaine Maxwell had given you.
18 I want to ask you some questions about that.

19 A. Sure.

20 Q. Do you know when that was?

21 A. That was in 2002.

22 Q. And why does that date stick out?

23 A. Because I was living -- where I was living
24 specifically and where I had the phone call.

25 Q. Tell me what you remember about the

1 conversation.

2 A. I had been over to her house prior
3 massaging Jeffrey. And I got a phone call from her,
4 and she told me she had a camera for me for my
5 photography class, but yet, she couldn't give it to
6 me yet because during the massage I didn't finish my
7 job and she had to finish it for me.

8 Q. Did she say what she meant?

9 A. No, but I knew.

10 Q. Was there any other time that you had
11 discussed with her finishing your job?

12 A. Not that I recall.

13 Q. Any other time you just recall discussing
14 with her anything about your sexual contact with
15 Jeffrey?

16 MS. McCAWLEY: Objection.

17 THE WITNESS: No.

18 BY MS. MENNINGER:

19 Q. Did she give you the camera?

20 A. I did get the camera.

21 Q. Okay. When did she give you the camera?

22 A. I guess the next time I went to the house.

23 Q. What was said at that time?

24 A. I honestly don't know that she handed it
25 to me. I remember it being there for me.

1 exposed her bra, and she grabbed it and pulled it
2 down.

3 Q. Anything else?

4 A. That was the conversation that he had told
5 her that he had taken this girl's virginity, the
6 girl by the pool.

7 Q. Okay. Did Maxwell ever say to you that it
8 takes the pressure off of her to have other girls
9 around?

10 A. She implied that, yes.

11 Q. In what way?

12 A. Sexually.

13 Q. And earlier Laura asked you, I believe, if
14 Maxwell ever asked you to perform any sexual acts,
15 and I believe your testimony was no, but then you
16 also previously stated that during the camera
17 incident that Maxwell had talked to you about not
18 finishing the job.

19 Did you understand "not finishing the job"
20 meaning bringing Jeffrey to orgasm?

21 MS. MENNINGER: Objection, leading, form.

22 BY MS. McCAWLEY:

23 Q. I'm sorry, Johanna, let me correct that
24 question.

25 What did you understand Maxwell to mean

1 when she said you hadn't finished the job, with
2 respect to the camera?

3 MS. MENNINGER: Objection, leading, form.

4 THE WITNESS: She implied that I had not
5 brought him to orgasm.

6 BY MS. McCAWLEY:

7 Q. So is it fair to say that Maxwell expected
8 you to perform sexual acts when you were massaging
9 Jeffrey?

10 MS. MENNINGER: Objection, leading, form,
11 foundation.

12 THE WITNESS: I can answer?

13 Yes, I took that conversation to mean that
14 is what was expected of me.

15 BY MS. McCAWLEY:

16 Q. And then you mentioned, I believe, when
17 you were testifying earlier that Jeffrey told you a
18 story about sex on the plane. What was that about?

19 MS. MENNINGER: Objection, hearsay.

20 THE WITNESS: He told me one time Emmy was
21 sleeping on the plane, and they were getting
22 ready to land. And he went and woke her up,
23 and she thought that meant he wanted a blow
24 job, so she started to unzip his pants, and he
25 said, No, no, no, you just have to be awake for

1 landing.

2 BY MS. McCAWLEY:

3 Q. Do you recall witnessing any sexual acts
4 on the plane?

5 A. No.

6 Q. Did Emmy ever talk to you about performing
7 sexual acts on the plane?

8 A. No.

9 Q. We looked earlier at the police report,
10 and I just want to clarify, you identified some
11 areas where there were discrepancies in that report.

12 And you can take another look at it if you
13 want, but other than the discrepancies you pointed
14 out, is that a recollection of what you remember
15 telling the detective?

16 A. Yes.

17 MS. MENNINGER: Objection, outside the
18 scope of cross.

19 BY MS. McCAWLEY:

20 Q. You mentioned that there was a time when
21 you noticed that Maxwell was around a little bit
22 less?

23 A. Uh-huh.

24 Q. And I believe you said that was during the
25 middle of the time you were with Jeffrey.

1 Do you remember approximately when that
2 was year-wise?

3 A. I don't. I would say it was probably
4 sometime between 2003 and 2004.

5 Q. And what made you think that?

6 A. I just saw her less and less at the house.

7 Q. Were you there more at the house during
8 that time period?

9 A. No, not necessarily. It's just at the
10 beginning, she was around a lot. And then I would
11 see her occasionally without him. The one time we
12 spent a few days together in 2006, she wasn't there
13 at all.

14 Q. So you saw her in the -- is it fair to say
15 that you saw her in the 2005 and 2006 time frame?

16 A. Yes.

17 Q. Then we were talking about the photography
18 earlier and about the photographs.

19 Did Maxwell ever ask you to take nude
20 photos of yourself for Jeffrey?

21 A. She asked me to take photos of myself for
22 Jeffrey, yes.

23 Q. And did you do that?

24 A. I did not.

25 Q. And the photos that were around that were

1 in the bathroom, that you mentioned a couple of
2 times places that there were photos of you, who took
3 those?

4 A. He did.

5 Q. And when we were talking about the Palm
6 Beach house and you were describing an area where
7 there were just a lot of photographs, is it fair to
8 say that there could have been nude photographs
9 amongst those photos that you saw?

10 A. Yes.

11 Q. And earlier you testified that you don't
12 have knowledge of what happens behind closed doors,
13 but you also said that Jeffrey had told you what
14 other girls did for him and that he wanted you to do
15 those things for him.

16 Is it fair to say that you knew that other
17 girls were performing sexual acts?

18 A. Yes.

19 MS. MENNINGER: Objection, foundation,
20 form.

21 BY MS. McCAWLEY:

22 Q. And I know you mentioned previously that
23 your relationship and the interaction with him
24 progressed over time.

25 Did there come a time when you were

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C E R T I F I C A T E

STATE OF FLORIDA)

: ss

COUNTY OF MIAMI-DADE)

I, KELLI ANN WILLIS, a Registered
Professional, Certified Realtime Reporter and
Notary Public within and for The State of
Florida, do hereby certify:

That JOHANNA SJOBERG, the witness whose
deposition is hereinbefore set forth was duly
sworn by me and that such Deposition is a true
record of the testimony given by the witness.

I further certify that I am not related
to any of the parties to this action by blood
or marriage, and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 18th day of May, 2016.

KELLI ANN WILLIS, RPR, CRR

EXHIBIT 12

(Filed Under Seal)

09 - 22783

Condensed Transcript

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CIVIL DIVISION

L.M.,

Plaintiff,

vs.

CASE No.
502008CA028051XXXXMB AB

JEFFREY EPSTEIN,

Defendant.
~~~~~

**DEPOSITION OF  
LOUELLA RABUYO**

**VOLUME I**

October, 20, 2009  
10:10 a.m.

515 N. Flagler Drive  
Suite 200-P  
West Palm Beach, Florida 33401

Reported By: Teresa Whalen, RPR, FPR, Notary Public, State of Florida



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Louella Rabuyo - Volume I

October 20, 2009

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| <p style="text-align: center;">9</p> <p>1 head or shake your head, and she can't take that down.</p> <p>2 A All right.</p> <p>3 Q It's also very easy to say uh-huh or huh-uh,</p> <p>4 but it kind of looks the same on paper, so you can't do</p> <p>5 that either. I'm going to wait until you finish your</p> <p>6 answer, and you have to wait until I finish my question,</p> <p>7 because if we talk over one another, then the court</p> <p>8 reporter can't get it down.</p> <p>9 A Okay. Yes, sir.</p> <p>10 Q All right. So if you don't understand the</p> <p>11 question, tell me you don't understand and I'll try to</p> <p>12 ask a better question.</p> <p>13 A Yes.</p> <p>14 Q Okay. So you were hired in November of 2004</p> <p>15 to be the housekeeper for Mr. Epstein?</p> <p>16 A Yes.</p> <p>17 Q And when you were hired, who exactly hired</p> <p>18 you, who -- let me strike that.</p> <p>19 When you were hired to be the housekeeper for</p> <p>20 Mr. Epstein, who did you interview with?</p> <p>21 A Ms. Maxwell.</p> <p>22 Q Is that Ghislaine Maxwell or just</p> <p>23 Laine Maxwell?</p> <p>24 A Ghislaine Maxwell.</p> <p>25 Q And where did the interview take place?</p>                                                                                                    | <p style="text-align: center;">11</p> <p>1 that it's clean and appropriately, what's this..</p> <p>2 Q And as I understand this property, there is a</p> <p>3 main house and then there's also a staff house on the</p> <p>4 property; is that right?</p> <p>5 A Yes, sir.</p> <p>6 Q And when the guests would come over, would you</p> <p>7 stay in the main house, or would you go to the staff</p> <p>8 house?</p> <p>9 MR. REINHART: Can we get a time frame to the</p> <p>10 question?</p> <p>11 BY MR. EDWARDS:</p> <p>12 Q Over the last five years while you worked</p> <p>13 there.</p> <p>14 A I usually stay in the staff house and do the</p> <p>15 laundry, then I go to the kitchen and then tidy the</p> <p>16 kitchen.</p> <p>17 Q You were hired in November of 2004, and what</p> <p>18 were your hours that you worked there back in November</p> <p>19 of 2004 when you were hired?</p> <p>20 A Eight to five.</p> <p>21 Q How many days a week?</p> <p>22 A Depends.</p> <p>23 Q How would the schedule be relayed to you?</p> <p>24 A When Mr. Epstein is there, then I'm supposed</p> <p>25 to report, but usually it's five days a week.</p>                                                                                     |
| <p style="text-align: center;">10</p> <p>1 A At 358 El Brillo Way.</p> <p>2 Q And what did Ms. Maxwell and you speak about</p> <p>3 prior to your being hired as the housekeeper?</p> <p>4 A My duties.</p> <p>5 Q And what did she tell you your duties would</p> <p>6 be?</p> <p>7 A To tidy, to make beds, do laundry.</p> <p>8 Q Did she tell you what would take place in the</p> <p>9 house on a day-to-day basis?</p> <p>10 A No.</p> <p>11 Q So going into that position, you had no idea</p> <p>12 who the guests would be or who the people coming in the</p> <p>13 house would be, or what would generally go on?</p> <p>14 A Can you simplify the question?</p> <p>15 Q Sure. When you talked about with</p> <p>16 Ghislaine Maxwell at this interview, your duties being</p> <p>17 you would make the bed and tidy up, did she also tell</p> <p>18 you that there would be a lot of guests, there would be</p> <p>19 a few guests, did she talk to you about that at all?</p> <p>20 A She mentioned that if there are guests, we</p> <p>21 have to, like, you know, prepare the room, and, what's</p> <p>22 this, attend to the guests.</p> <p>23 Q And what did you understand that to mean that</p> <p>24 you have to attend to the guests?</p> <p>25 A You have to prepare the room and see to it</p> | <p style="text-align: center;">12</p> <p>1 Q So am I correct in understanding that there</p> <p>2 was one schedule when Mr. Epstein was in town, and the</p> <p>3 schedule may be a little bit different if Mr. Epstein</p> <p>4 was out of town?</p> <p>5 A Yes, sir.</p> <p>6 Q All right. Tell me the differences when</p> <p>7 Mr. Epstein is in town versus when Mr. Epstein was not</p> <p>8 in town.</p> <p>9 A If he stays like three or four days, then I'm</p> <p>10 supposed to be there, and then the house is to be</p> <p>11 cleaned. And then when they do not come, then I can</p> <p>12 either go there, or I'm given free days off.</p> <p>13 Q Three days off?</p> <p>14 A No. A free day.</p> <p>15 Q Oh, okay. But typically back in 2004 when you</p> <p>16 were hired, you worked an average of about five days a</p> <p>17 week; is that correct?</p> <p>18 A Yes.</p> <p>19 Q All right. And I guess by the way that you're</p> <p>20 explaining it, if Mr. Epstein was in town for a longer</p> <p>21 period of time, you may work more than five days, and if</p> <p>22 Mr. Epstein was not in town, you may work less than five</p> <p>23 days?</p> <p>24 A Yes.</p> <p>25 Q Okay. Did you ever talk to Mr. Epstein prior</p> |



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Louella Rabuyo - Volume I

October 20, 2009

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| <p style="text-align: center;">13</p> <p>1 to being hired?</p> <p>2 A No, sir.</p> <p>3 Q Where did this meeting, within the house where</p> <p>4 did the meeting with Ghislaine Maxwell take place?</p> <p>5 A In the living room.</p> <p>6 Q Aside from telling you that you were going to</p> <p>7 be required to make the beds and just generally tidy up,</p> <p>8 did she specify anything else that you would be required</p> <p>9 to do?</p> <p>10 A No.</p> <p>11 Q Where had you worked prior to working for</p> <p>12 Mr. Epstein?</p> <p>13 A I work as a certified nursing assistant.</p> <p>14 Q Where?</p> <p>15 A At that time I was doing private duty.</p> <p>16 Q How long have you been a certified nursing</p> <p>17 assistant?</p> <p>18 A Since about ten years.</p> <p>19 Q And what made you change professions from</p> <p>20 being a certified nursing assistant to be a housekeeper</p> <p>21 for Mr. Epstein?</p> <p>22 A The agency called me that there is an</p> <p>23 interview; if I like, I go to, so that's how it started.</p> <p>24 Q And when you went to the interview, obviously</p> <p>25 you're going to this very big house and you talked to</p> | <p style="text-align: center;">15</p> <p>1 Q Did she tell what you would be paid at that</p> <p>2 time?</p> <p>3 A Not yet.</p> <p>4 Q Did you show up that Saturday? I guess that's</p> <p>5 November 17th of 2004?</p> <p>6 A No, that's not.</p> <p>7 Q No. Was it prior to November 17th of 2004, or</p> <p>8 after?</p> <p>9 A After.</p> <p>10 Q Okay. The interview that you first went to</p> <p>11 was November 17th, 2004 with Ms. Maxwell; is that the</p> <p>12 date that you gave us?</p> <p>13 A I cannot remember.</p> <p>14 Q The only reason I'm using that date is I</p> <p>15 believe the question I asked was when did you start</p> <p>16 working for Mr. Epstein, and I thought the date that you</p> <p>17 gave me was November 17th, 2004.</p> <p>18 A Yes.</p> <p>19 Q Okay. And in the course of this whole thing,</p> <p>20 it sounds like you interviewed with Ghislaine Maxwell,</p> <p>21 there were other interviewees, you received a call and</p> <p>22 you were asked to try out on a Saturday?</p> <p>23 A Yes.</p> <p>24 Q And where does that Saturday fall in related</p> <p>25 to November 17th, 2004?</p> |
| <p style="text-align: center;">14</p> <p>1 Ghislaine Maxwell, right?</p> <p>2 A Yes.</p> <p>3 Q And did you decide right then that you liked</p> <p>4 this and that you were going to change professions and</p> <p>5 you were going to be his housekeeper?</p> <p>6 A No.</p> <p>7 Q Okay. Then walk me through that, how did you</p> <p>8 go about eventually accepting the position?</p> <p>9 A I didn't expect to be hired, because there</p> <p>10 were other interviewers (sic), interview people that</p> <p>11 were to be interviewed.</p> <p>12 Q Okay.</p> <p>13 A And then I receive a call from Ms. Maxwell if</p> <p>14 I like, I can do a try-out.</p> <p>15 Q Okay. Did she tell you how long this try-out</p> <p>16 period would last?</p> <p>17 A No.</p> <p>18 Q And what did you tell her when she made that</p> <p>19 offer for you to try out?</p> <p>20 A I told her that I am still taking care of this</p> <p>21 patient, so she said if you like, you can come Saturday</p> <p>22 and try it.</p> <p>23 Q Okay. And what did you tell her, did you</p> <p>24 accept that?</p> <p>25 A Yes, I did.</p>                                                                | <p style="text-align: center;">16</p> <p>1 A When I accepted the job offer.</p> <p>2 Q Okay. And did they tell you at that time when</p> <p>3 you accepted the job offer how much you were going to be</p> <p>4 paid?</p> <p>5 A Yes.</p> <p>6 Q What was that?</p> <p>7 A It was 32,000 per annum.</p> <p>8 Q And has your salary increased over time?</p> <p>9 A Yes, sir.</p> <p>10 Q And can you walk us through the increments of</p> <p>11 increase in your salary?</p> <p>12 A It was promised yearly increase.</p> <p>13 Q By whom?</p> <p>14 A Ms. Maxwell.</p> <p>15 Q Was that at the time when you were</p> <p>16 interviewed, or took the job?</p> <p>17 A Yes, sir.</p> <p>18 Q Did she promise you what your yearly increase</p> <p>19 would be?</p> <p>20 A No.</p> <p>21 Q And have you received a yearly increase every</p> <p>22 year?</p> <p>23 A I did.</p> <p>24 Q And what has that yearly increase been?</p> <p>25 A Up to 42.</p>                                                                                                                                                                                        |



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Louella Rabuyo - Volume I

October 20, 2009

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| <p style="text-align: center;">57</p> <p>1 intentionally exposes the genitals in a lewd or</p> <p>2 lascivious manner, or intentionally commits any</p> <p>3 other sexual act that does not involve actual</p> <p>4 physical or sexual contact with the victim in the</p> <p>5 presence of a victim who is less than sixteen years</p> <p>6 of age commits lewd or lascivious exhibition. An</p> <p>7 offender eighteen years of age or older who</p> <p>8 commits a lewd or lascivious exhibition commits a</p> <p>9 felony of the second degree.</p> <p>10 Have you seen that crime committed in</p> <p>11 Mr. Epstein's house?</p> <p>12 A No, sir.</p> <p>13 MR. CRITTON: Form.</p> <p>14 BY MR. EDWARDS:</p> <p>15 Q Are you aware of the allegations by multiple</p> <p>16 female girls that allege that these are the crimes that</p> <p>17 were taking place behind closed doors when they were</p> <p>18 just minor females; are you aware of those allegations?</p> <p>19 MR. CRITTON: Form.</p> <p>20 MR. REINHART: Do you understand the question?</p> <p>21 MR. CRITTON: Asked and answered.</p> <p>22 MR. REINHART: Do you understand the question?</p> <p>23 MR. CRITTON: And argumentative.</p> <p>24 THE WITNESS: From the news, I heard that from</p> <p>25 the news.</p> | <p style="text-align: center;">59</p> <p>1 BY MR. EDWARDS:</p> <p>2 Q Have you ever worked for anyone that had this</p> <p>3 many young females come over to his house every day?</p> <p>4 A No, sir.</p> <p>5 Q Have you ever heard anybody say that these</p> <p>6 girls are making this up or that this did not happen,</p> <p>7 these sexual acts did not happen in Mr. Epstein's</p> <p>8 bedroom?</p> <p>9 MR. CRITTON: Form, argumentative.</p> <p>10 BY MR. EDWARDS:</p> <p>11 Q By that I mean Mr. Epstein, Ghislaine Maxwell?</p> <p>12 A No, sir. No.</p> <p>13 Q Did Sarah Kellen ever say any of these girls</p> <p>14 were making this up?</p> <p>15 A No, sir.</p> <p>16 MR. CRITTON: Form.</p> <p>17 BY MR. EDWARDS:</p> <p>18 Q So these girls are making these allegations,</p> <p>19 you work in Mr. Epstein's house?</p> <p>20 A Yes.</p> <p>21 Q And you've never heard anybody deny these</p> <p>22 allegations, have you?</p> <p>23 MR. CRITTON: Form, argumentative.</p> <p>24 THE WITNESS: I do my job, we don't, like,</p> <p>25 talk.</p>                                                           |
| <p style="text-align: center;">58</p> <p>1 BY MR. EDWARDS:</p> <p>2 Q And are you also aware that many of these</p> <p>3 girls did not know one another that were these female</p> <p>4 masseuses, are you aware of that?</p> <p>5 MR. CRITTON: Form.</p> <p>6 THE WITNESS: I don't know.</p> <p>7 BY MR. EDWARDS:</p> <p>8 Q Okay. When these girls that would come --</p> <p>9 Where these females that would come over where</p> <p>10 you were told they were giving massages would come over,</p> <p>11 how many would come over at any time, meaning would they</p> <p>12 come over with twenty at time, or one at a time?</p> <p>13 MR. CRITTON: Form.</p> <p>14 THE WITNESS: Sometimes one at a time.</p> <p>15 BY MR. EDWARDS:</p> <p>16 Q And given the number of these females that are</p> <p>17 making these allegations, doesn't it cause you to</p> <p>18 believe the allegations that there are so many of them</p> <p>19 and their stories are so strikingly similar as to what's</p> <p>20 taking place in Mr. Epstein's bedroom?</p> <p>21 MR. CRITTON: Form, predicate, speculation,</p> <p>22 argumentative.</p> <p>23 THE WITNESS: I don't know what's happening in</p> <p>24 the bedroom, I did not see anything that cause me</p> <p>25 alarm.</p>                  | <p style="text-align: center;">60</p> <p>1 BY MR. EDWARDS:</p> <p>2 Q So is that a no, you've never heard anybody</p> <p>3 deny that?</p> <p>4 MR. CRITTON: Form.</p> <p>5 THE WITNESS: No, sir.</p> <p>6 BY MR. EDWARDS:</p> <p>7 Q When was the last time you talked to</p> <p>8 Ghislaine Maxwell?</p> <p>9 A I answer the phone when she...</p> <p>10 Q Okay. When you first started working there</p> <p>11 back in November of 2004, she was the person who you</p> <p>12 interviewed with, right?</p> <p>13 A Yes, sir.</p> <p>14 Q Was she somebody who you would regularly see</p> <p>15 at the house during that period of time?</p> <p>16 A Not regular.</p> <p>17 Q How often would you see her in the house back</p> <p>18 in the late 2004, when you were hired, through 2005?</p> <p>19 A Three times.</p> <p>20 Q Three times a week?</p> <p>21 A No. During the period of that I was there.</p> <p>22 Q Okay. During the entire five-year period you</p> <p>23 were there you only saw Ghislaine Maxwell three times?</p> <p>24 A Not five years.</p> <p>25 Q Okay. From the end of 2004 through 2005 you</p> |



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Louella Rabuyo - Volume I

October 20, 2009

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| <p style="text-align: center;">61</p> <p>1 saw her three times?</p> <p>2 A Yes, sir.</p> <p>3 Q During --</p> <p>4 A Maybe more or less three times.</p> <p>5 Q During 2006 how often did you see her?</p> <p>6 A 2006? He was in New York, so I saw her.</p> <p>7 Q You worked for Jeffrey Epstein but you worked</p> <p>8 in New York? I'm sorry.</p> <p>9 A I saw Ms. Maxwell in New York.</p> <p>10 Q I think I understand. Primarily, though, you</p> <p>11 were still working at the 358 El Brillo location?</p> <p>12 A Yes.</p> <p>13 Q However, at some point in time that year you</p> <p>14 took a trip to the New York house and you saw her there?</p> <p>15 A In her house.</p> <p>16 Q In Ghislaine Maxwell's house?</p> <p>17 A Yes.</p> <p>18 Q What was the occasion for you to go see her up</p> <p>19 there?</p> <p>20 A Lyn was having I think surgery.</p> <p>21 Q And when was that?</p> <p>22 A I cannot recall the month, but it's I think</p> <p>23 2006.</p> <p>24 Q So this is after the criminal investigation</p> <p>25 into Mr. Epstein, or before, if you remember?</p>                                                                                                                                 | <p style="text-align: center;">63</p> <p>1 MR. CRITTON: But if you just asked her, say</p> <p>2 did you ever have a discussion with her about it,</p> <p>3 if she says yes, then we'll find out what it is.</p> <p>4 If she didn't have one, why ask the question?</p> <p>5 Go ahead.</p> <p>6 THE WITNESS: There was no discussion.</p> <p>7 MR. REINHART: There's no question pending.</p> <p>8 Wait for Mr. Edwards to ask his question and answer</p> <p>9 the question if you understand it.</p> <p>10 BY MR. EDWARDS:</p> <p>11 Q How long were you at Ghislaine Maxwell's house</p> <p>12 this time that you visited her in 2006?</p> <p>13 MR. CRITTON: Form.</p> <p>14 THE WITNESS: I cannot remember, because I</p> <p>15 go...</p> <p>16 BY MR. EDWARDS:</p> <p>17 Q Back and forth?</p> <p>18 A Yes.</p> <p>19 Q From West Palm Beach to New York?</p> <p>20 A Yes.</p> <p>21 Q Why were you up in Ghislaine Maxwell's house</p> <p>22 in New York?</p> <p>23 A I help over there when she has a party.</p> <p>24 Q Okay. And then after the party you would</p> <p>25 return to West Palm Beach?</p>                                                                                                                                                                      |
| <p style="text-align: center;">62</p> <p>1 MR. CRITTON: Form, predicate.</p> <p>2 THE WITNESS: 2006? After.</p> <p>3 BY MR. EDWARDS:</p> <p>4 Q Okay. And while you were up there with</p> <p>5 Ghislaine Maxwell, did you talk to her about the</p> <p>6 criminal investigation of Mr. Epstein?</p> <p>7 A No, sir.</p> <p>8 Q At any point in time when you were up there,</p> <p>9 did she say to you or you overheard -- let me ask you</p> <p>10 this way: Did she say to you that the allegations are</p> <p>11 false --</p> <p>12 MR. CRITTON: Form.</p> <p>13 BY MR. EDWARDS:</p> <p>14 Q -- that are being made against him?</p> <p>15 MR. CRITTON: Form. There's no predicate that</p> <p>16 a discussion ever took place about anything.</p> <p>17 THE WITNESS: There was no discussion about</p> <p>18 that.</p> <p>19 MR. EDWARDS: Mr. Critton, if you could just</p> <p>20 object to the form. Obviously this witnesses just</p> <p>21 takes your words and she's going to recite them to</p> <p>22 me. If you want to say lack of predicate, okay,</p> <p>23 fine. But to say no discussion took place and then</p> <p>24 she says no discussion took place, we're leading</p> <p>25 the witness here, it's obvious.</p> | <p style="text-align: center;">64</p> <p>1 A Yes.</p> <p>2 Q While you were up there, during any of the</p> <p>3 times that you were up there, did you have any</p> <p>4 conversations with Ghislaine Maxwell?</p> <p>5 A I think once. But it was oh, and what's this,</p> <p>6 it was just oh, I'm sorry about the bad news. That's</p> <p>7 it.</p> <p>8 Q You said that?</p> <p>9 A Because we have only, like, short</p> <p>10 conversation, we just don't really, like, talk-talk.</p> <p>11 Q When you're saying that a statement was made</p> <p>12 I'm sorry about the bad news, who made the statement to</p> <p>13 whom; she made it to you, or you made it to her?</p> <p>14 A She made it. But that was -- I really cannot</p> <p>15 remember how it was how, but it was, like, I'm sorry</p> <p>16 about the news.</p> <p>17 Q Okay. What news was she referring to when she</p> <p>18 said to you I'm sorry to hear about the bad news?</p> <p>19 A She not say anything. I just -- I do not say</p> <p>20 anything about what the bad news is.</p> <p>21 Q Okay. I guess what I'm asking is did you have</p> <p>22 a death in the family or something happen to you</p> <p>23 personally? Or why would she say this to you, if you</p> <p>24 know?</p> <p>25 A No.</p> |



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Louella Rabuyo - Volume I

October 20, 2009

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| <p style="text-align: center;">65</p> <p>1 Q You have no idea why she said that statement?</p> <p>2 A I think that it was about the news that was</p> <p>3 going on about Mr. Epstein.</p> <p>4 MR. CRITTON: Move to strike as speculation.</p> <p>5 BY MR. EDWARDS:</p> <p>6 Q And did she elaborate on the news about</p> <p>7 Mr. Epstein?</p> <p>8 A No, sir.</p> <p>9 Q During that conversation where she makes a</p> <p>10 statement that she's sorry about the news, did she ever</p> <p>11 tell you that the allegations being made against him are</p> <p>12 false or unfounded or untrue?</p> <p>13 MR. CRITTON: Form.</p> <p>14 THE WITNESS: Our conversation was short.</p> <p>15 BY MR. EDWARDS:</p> <p>16 Q So the answer is no?</p> <p>17 A No.</p> <p>18 Q What is your understanding of</p> <p>19 Ghislaine Maxwell's role in Jeffrey Epstein's life back</p> <p>20 in 2004 and 2005 and 2006?</p> <p>21 MR. CRITTON: Form.</p> <p>22 THE WITNESS: She told me he was his boyfriend</p> <p>23 (sic).</p> <p>24 BY MR. EDWARDS:</p> <p>25 Q Ghislaine Maxwell told you that</p>                  | <p style="text-align: center;">67</p> <p>1 Q What did she say when you answered the phone?</p> <p>2 A Oh, she was happy. I was happy to hear her</p> <p>3 voice. And then she said oh, she was also happy to --</p> <p>4 she was so nice on the phone.</p> <p>5 Q What did she say?</p> <p>6 A Oh, nice talking to you, Louella.</p> <p>7 Q Then did she ask to speak to somebody else?</p> <p>8 A To Mr. Epstein.</p> <p>9 Q Aside from the telephone call one month ago,</p> <p>10 how many times has she called the house in the last</p> <p>11 year?</p> <p>12 A That was my only, what's this, my -- the time</p> <p>13 that I was answer the phone and it was Ms. Maxwell.</p> <p>14 Q Do you know why she called Mr. Epstein?</p> <p>15 A I do not know, sir.</p> <p>16 Q Have you ever seen scheduling logs, either on</p> <p>17 a computer or on paper, with girls' names on it and</p> <p>18 numbers?</p> <p>19 A No. No, sir.</p> <p>20 Q Have you ever seen the names of these females</p> <p>21 that are alleged to have been masseuses written on</p> <p>22 anything?</p> <p>23 A Yes, sir.</p> <p>24 Q What have you seen them written on?</p> <p>25 A I just saw names, and that's it.</p>                       |
| <p style="text-align: center;">66</p> <p>1 Jeffrey Epstein was her boyfriend?</p> <p>2 A When I was hired.</p> <p>3 Q And then over the next year and a half when</p> <p>4 Jeffrey Epstein was in West Palm Beach, you only saw</p> <p>5 Ghislaine Maxwell at the house approximately three</p> <p>6 times?</p> <p>7 A Yes, sir.</p> <p>8 Q Did you still believe that Ghislaine Maxwell</p> <p>9 and Jeffrey Epstein were boyfriend and girlfriend?</p> <p>10 MR. CRITTON: Form.</p> <p>11 THE WITNESS: At that time or what time?</p> <p>12 BY MR. EDWARDS:</p> <p>13 Q Yeah. Back then in 2004, 2005.</p> <p>14 A Yes.</p> <p>15 Q All right. Is it your understanding that they</p> <p>16 are still boyfriend and girlfriend today?</p> <p>17 A I don't know.</p> <p>18 Q Ghislaine Maxwell and Jeffrey Epstein, do they</p> <p>19 still talk to one another today?</p> <p>20 A I do not know, sir.</p> <p>21 Q What is the last time that you talked to</p> <p>22 Ghislaine Maxwell?</p> <p>23 A She called the house and I answered the phone.</p> <p>24 Q How long ago?</p> <p>25 A About a month ago.</p> | <p style="text-align: center;">68</p> <p>1 Q Just the names, or the telephone numbers as</p> <p>2 well?</p> <p>3 MR. CRITTON: Form.</p> <p>4 THE WITNESS: I cannot remember.</p> <p>5 BY MR. EDWARDS:</p> <p>6 Q Where did you see this?</p> <p>7 A We have like butler's pantry and there's a</p> <p>8 telephone there.</p> <p>9 Q Is this in the staff house or the main house?</p> <p>10 A No. The main house.</p> <p>11 Q And do you know who wrote the names?</p> <p>12 A No, sir.</p> <p>13 Q How do you know that these were the names of</p> <p>14 the females that were alleged to have been masseuses?</p> <p>15 A Because there is time.</p> <p>16 Q What do you mean, there is time?</p> <p>17 A Sometimes name and then the time, that's it.</p> <p>18 Q What does the time indicate?</p> <p>19 A I cannot remember.</p> <p>20 Q The time to you -- you know, I'm watching what</p> <p>21 you're doing, but the court reporter is not able to draw</p> <p>22 a picture of it. So I guess what I'm asking is you're</p> <p>23 saying there is -- on the left-hand side there is a</p> <p>24 name, and on the right-hand side corresponding to that</p> <p>25 name there is a time written down? Is that what you</p> |



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Louella Rabuyo - Volume I

October 20, 2009

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| <p style="text-align: center;">81</p> <p>1 A When I came back to report, that's how I</p> <p>2 learned.</p> <p>3 Q Elaborate on that for me. What do you mean,</p> <p>4 when you came back to report that's how I learned?</p> <p>5 A I reported in the afternoon, and then that's</p> <p>6 how I learned that the police came.</p> <p>7 Q All right. And when were you -- you're now</p> <p>8 saying you came back to report and you learned that the</p> <p>9 police had already come to the house, right?</p> <p>10 A Yes, sir.</p> <p>11 Q Prior to that occasion, when was the previous</p> <p>12 time that you were at the house?</p> <p>13 A The day before.</p> <p>14 Q Okay. And the day before you left your shift</p> <p>15 at roughly five o'clock?</p> <p>16 A I cannot remember. I usually leave 5:00 or</p> <p>17 5:30.</p> <p>18 Q But sometime late in the afternoon?</p> <p>19 A Yes.</p> <p>20 Q And as of that time, the day before the search</p> <p>21 warrant was issued, you had seen no police officers in</p> <p>22 or around the house?</p> <p>23 A No.</p> <p>24 Q And then the next day you reported to the job</p> <p>25 at what time?</p> | <p style="text-align: center;">83</p> <p>1 Q So are we talking about the day the police</p> <p>2 went to Jeffrey Epstein's house you did not go in the</p> <p>3 morning, but you went after lunch and the police had</p> <p>4 already left?</p> <p>5 A Oh. No. When I went there nobody was there,</p> <p>6 no policemen were around.</p> <p>7 Q Who was at the house then?</p> <p>8 A Janusz, and Douglas, the architect.</p> <p>9 Q Schoettle?</p> <p>10 A Yes.</p> <p>11 Q And did you have a discussion with them?</p> <p>12 A No.</p> <p>13 Q How did you know the police had been to the</p> <p>14 house?</p> <p>15 A Janusz told me.</p> <p>16 Q When?</p> <p>17 A When I arrive.</p> <p>18 Q That's what I was asking you when I said did</p> <p>19 you have a discussion with them, meaning Janusz and</p> <p>20 Douglas.</p> <p>21 A Okay. Being because them -- with Janusz only.</p> <p>22 Q What did he say?</p> <p>23 A He said the police came and, what's this, took</p> <p>24 away some stuff.</p> <p>25 Q Did he say what they took?</p>                                                                          |
| <p style="text-align: center;">82</p> <p>1 A The next day?</p> <p>2 Q The next day.</p> <p>3 A I report in the afternoon.</p> <p>4 Q Was there a reason why you reported in the</p> <p>5 afternoon?</p> <p>6 A Ms. Maxwell called me.</p> <p>7 Q When did she call you?</p> <p>8 A During that day, she said Louella, you can</p> <p>9 report in the afternoon.</p> <p>10 Q She called you early in the morning?</p> <p>11 A Not early.</p> <p>12 Q Normally you would report to the house between</p> <p>13 eight and nine o'clock, right?</p> <p>14 A Yes, sir.</p> <p>15 Q So in order for you not to arrive at the</p> <p>16 house, she had to have called you before eight or</p> <p>17 nine o'clock, right?</p> <p>18 A Yes.</p> <p>19 Q Okay. So approximately what time does</p> <p>20 Ms. Maxwell call you to tell you you can report to the</p> <p>21 house later on that day?</p> <p>22 A I cannot remember really the time.</p> <p>23 Q Okay. What time did you actually report to</p> <p>24 the house?</p> <p>25 A After lunch, about -- maybe after lunch.</p>                                                                                             | <p style="text-align: center;">84</p> <p>1 A He said pictures.</p> <p>2 Q Did he tell you which pictures?</p> <p>3 A No, sir.</p> <p>4 Q Aside from pictures, what else did the police</p> <p>5 take, as Janusz told you?</p> <p>6 A He did not elaborate.</p> <p>7 Q All right. Prior to the police going to the</p> <p>8 house and taking pictures, do you remember seeing</p> <p>9 pictures around Mr. Epstein's house?</p> <p>10 A Yes.</p> <p>11 Q Do you remember seeing pictures of naked or</p> <p>12 nude females around Mr. Epstein's house?</p> <p>13 A Not around, in his closet.</p> <p>14 Q In Mr. Epstein's closet you would see --</p> <p>15 describe what you would see related to females in</p> <p>16 pictures.</p> <p>17 A Some have topless.</p> <p>18 Q Is this a big closet?</p> <p>19 A No. Not really big, it's just this big, not</p> <p>20 so big.</p> <p>21 Q Okay. Were these pictures that could be seen</p> <p>22 by -- strike that.</p> <p>23 Do you know of any other pictures of females</p> <p>24 that were confiscated by the police that did not come</p> <p>25 from Mr. Epstein's closet?</p> |

Louella Rabuyo - Volume I

October 20, 2009

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1 STATE OF FLORIDA  
2 COUNTY OF PALM BEACH  
3  
4

5 I, the undersigned authority, certify that  
6 LOUELLA RABUYO personally appeared before me on the 20th  
7 of October, 2009, and was duly sworn.  
8

9 Dated this 30th day of October, 2009.  
10  
11  
12  
13

14 \_\_\_\_\_  
15 Teresa Whalen, RPR, FPR  
16 Notary Public - State of Florida  
17 My Commission Expires: 4/25/11  
18 My Commission No.: DD 644533  
19 Job # 118991  
20  
21  
22  
23  
24  
25

130

1 CERTIFICATE  
2 STATE OF FLORIDA  
3 COUNTY OF PALM BEACH  
4

5 I, Teresa Whalen, Registered Professional  
6 Reporter and Notary Public in and for the State of  
7 Florida at Large, do hereby certify that the  
8 aforementioned witness was by me first duly sworn to  
9 testify the whole truth; that I was authorized to  
10 and did report said deposition in stenotype; and  
11 that the foregoing pages are a true and correct  
12 transcription of my shorthand notes of said  
13 deposition.  
14

15 I further certify that said deposition was  
16 taken at the time and place hereinabove set forth  
17 and that the taking of said deposition was commenced  
18 and completed as hereinabove set out.  
19

20 I further certify that I am not attorney or  
21 counsel of any of the parties, nor am I a relative or  
22 employee of any attorney or counsel of party connected  
23 with the action, nor am I financially interested in the  
24 action.  
25

26 The foregoing certification of this transcript  
27 does not apply to any reproduction of the same by any  
28 means unless under the direct control and/or direction  
29 of the certifying reporter.  
30

31 Dated this 30th day of October, 2009.  
32  
33  
34  
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36 \_\_\_\_\_  
37 Teresa Whalen, RPR, FPR  
38 Job # 118991  
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# **EXHIBIT 13**

## **(Filed Under Seal)**



Confidential

Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 3, 2016  
9:07 a.m.

C O N F I D E N T I A L

Deposition of DAVID RODGERS, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

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1 DAVID RODGERS

2 flyer person, then you would reduce it to an  
3 initial?

4 MR. PAGLIUCA: Object to form and  
5 foundation.

6 MR. REINHART: You can answer the  
7 question.

8 You can answer the question, if you can  
9 answer the question. You are allowed to answer  
10 the question, if you understand the question.

11 BY MR. EDWARDS:

12 Q. I'm trying to understand your testimony.

13 Is it, if you came to know that person --

14 A. Uh-huh.

15 Q. -- as a frequent flyer passenger, you  
16 would begin to reduce that person's name to an  
17 initial at some point?

18 MR. PAGLIUCA: Same objection.

19 THE WITNESS: Well, we don't really have a  
20 frequent flyer program that we do, so to speak.  
21 A lot of times I would do it because if you  
22 would write out everybody's name there is not  
23 enough space, you know, to get everybody's name  
24 in that little square there.

25

Confidential

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1 DAVID RODGERS

2 Q. -- is that right?

3 And is that -- is Ghislaine Maxwell  
4 somebody that through the years 1995 through 2013  
5 was somebody who flew very frequently?

6 A. What were the years again?

7 Q. The years of this book, 1995 --

8 A. I wouldn't say through 2013. But, yes,  
9 '95 through 2000 sometime. Probably, I would have  
10 to go back and -- well, you can see in there.

11 Q. We will get to it.

12 A. There will be a point where you don't see  
13 her much. But to say it went through 2013 would not  
14 be accurate.

15 Q. Let's do it this way: The person that you  
16 have reflected on numerous notations --

17 A. Yes.

18 Q. -- through here as GM --

19 A. Yes.

20 Q. -- just by the initials, are we able to  
21 safely know that that is Ghislaine Maxwell?

22 A. Yes.

23 MR. PAGLIUCA: Object to form and  
24 foundation.

25 MR. EDWARDS: Court reporter, did you get

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1 DAVID RODGERS

2 the answer?

3 THE REPORTER: Yes. The answer came  
4 before the objection.

5 BY MR. EDWARDS:

6 Q. So on the next flight, the next day, from  
7 Palm Beach to SAF. Is SAF Santa Fe?

8 A. Yes.

9 Q. And it indicates JE and GM.

10 Are we able to then know that those  
11 passengers on that flight were Jeffrey Epstein and  
12 Ghislaine Maxwell?

13 A. Yes.

14 MR. PAGLIUCA: Object to form and  
15 foundation.

16 BY MR. EDWARDS:

17 Q. And where would you land at SAF? Is that  
18 an airport?

19 A. It is an airport.

20 Q. Is it a private airport?

21 A. No. It's -- airlines go in there.

22 Q. Did Jeffrey Epstein also have a landing  
23 strip at his property in New Mexico?

24 A. He did at one time.

25 Q. What would that -- do you remember what

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1 DAVID RODGERS

2 that code would be?

3 A. I don't believe there was a code.

4 Q. All right. Were there times that you  
5 landed either the Gulfstream or the Boeing --

6 A. No.

7 Q. No.

8 MR. REINHART: Let him finish the question  
9 before you answer.

10 THE WITNESS: Oh, I'm sorry.

11 BY MR. EDWARDS:

12 Q. Sure. We are doing fine so far. But the  
13 court reporter is taking down all of our questions  
14 and all of our answers. We are communicating well.

15 A. Okay.

16 Q. But when I go to read this back, we may  
17 not get that.

18 A. Okay. Go ahead.

19 Q. So were there times where you landed one  
20 of Jeffrey Epstein's planes on his private landing  
21 strip at the New Mexico property?

22 A. Yes. But not the Gulfstream and not the  
23 Boeing.

24 Q. What plane did you land on his property?

25 A. The Cessna 421. And probably a

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1 DAVID RODGERS

2 A. I don't recall if he did nor or not.

3 Q. Okay. And do you know, does anybody have  
4 a transcript of that deposition, to your knowledge?

5 A. I don't.

6 MR. PAGLIUCA: That is all of the  
7 questions I have.

8 THE WITNESS: Okay.

9 MR. EDWARDS: What exhibit are we on?

10 MR. REINHART: 8 was the last exhibit.

11 MR. EDWARDS: I want to show the witness  
12 what I pulled off the Internet. I want to ask,  
13 is that the plane? The answer may very well be  
14 no.

15 MR. PAGLIUCA: The exact plane?

16 MR. EDWARDS: Yeah, the exact plane.

17 (The referred-to document was marked by  
18 the court reporter for Identification as  
19 Deposition Exhibit 9.)

20 MR. REINHART: You mean based on the  
21 serial number?

22 MR. EDWARDS: Or there are some pictures  
23 from the inside of it, too.

24 MR. REINHART: The plane, you mean the  
25 Boeing or -- we have talked about a couple of



# EXHIBIT 14

(Filed Under Seal)

| Page 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>UNITED STATES DISTRICT COURT<br/>SOUTHERN DISTRICT OF FLORIDA</p> <p>CASE NO. 08-CIV-80119-MARRA/JOHNSON</p> <p>JANE DOE NO. 2,<br/>Plaintiff,<br/>-vs- VOLUME I OF III<br/>JEFFREY EPSTEIN,<br/>Defendant.</p> <hr/> <p>Related cases:<br/>08-80232, 08-08380, 08-80381, 08-80994<br/>08-80993, 08-80811, 08-80893, 09-80469<br/>09-80591, 09-80656, 09-80802, 09-81092</p> <hr/> <p>VIDEOTAPED DEPOSITION OF<br/>SARAH KELLEN</p> <p>Wednesday, March 24, 2010<br/>10:37 - 6:51 p.m.</p> <p>250 Australian Avenue South<br/>Suite 1500<br/>West Palm Beach, Florida 33401</p> <p>Reported By:<br/>Cynthia Hopkins, RPR, FPR<br/>Notary Public, State of Florida<br/>Prose Court Reporting Services<br/>Job No.: 1484</p> | <p>IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT<br/>IN AND FOR PALM BEACH COUNTY, FLORIDA<br/>CASE NO. 502008CA028051XXXXMB AB</p> <p>L.M.,<br/>Plaintiff,<br/>-vs- VOLUME I OF III<br/>JEFFREY EPSTEIN,<br/>Defendant.</p> <hr/> <p>VIDEOTAPED DEPOSITION OF<br/>SARAH KELLEN</p> <p>Wednesday, March 24, 2010<br/>10:37 - 6:51 p.m.</p> <p>250 Australian Avenue South<br/>Suite 1500<br/>West Palm Beach, Florida 33401</p> <p>Reported By:<br/>Cynthia Hopkins, RPR, FPR<br/>Notary Public, State of Florida<br/>Prose Court Reporting Services<br/>Job No.: 1484</p>                           |
| Page 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT<br/>IN AND FOR PALM BEACH COUNTY, FLORIDA<br/>CASE NO. 502008CA028058XXXXMB AD</p> <p>E.W.,<br/>Plaintiff,<br/>-vs- VOLUME I OF III<br/>JEFFREY EPSTEIN,<br/>Defendant.</p> <hr/> <p>VIDEOTAPED DEPOSITION OF<br/>SARAH KELLEN</p> <p>Wednesday, March 24, 2010<br/>10:37 - 6:51 p.m.</p> <p>250 Australian Avenue South<br/>Suite 1500<br/>West Palm Beach, Florida 33401</p> <p>Reported By:<br/>Cynthia Hopkins, RPR, FPR<br/>Notary Public, State of Florida<br/>Prose Court Reporting Services<br/>Job No.: 1484</p>                                                                                                                                                | <p>IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL<br/>CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA<br/>CASE No.502008CA037319XXXXMB AB</p> <p>B.B.,<br/>Plaintiff,<br/>-vs- VOLUME I OF III<br/>JEFFREY EPSTEIN<br/>AND SARAH KELLEN,<br/>Defendants.</p> <hr/> <p>VIDEOTAPED DEPOSITION OF<br/>SARAH KELLEN</p> <p>Wednesday, March 24, 2010<br/>10:37 - 6:51 p.m.</p> <p>250 Australian Avenue South<br/>Suite 1500<br/>West Palm Beach, Florida 33401</p> <p>Reported By:<br/>Cynthia Hopkins, RPR, FPR<br/>Notary Public, State of Florida<br/>Prose Court Reporting Services<br/>Job No.: 1484</p> |

1 (Pages 1 to 4)

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| Page 21                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Page 23                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 answer the question based on her Fifth<br/>2 Amendment privilege.<br/>3 THE WITNESS: On the instruction of my<br/>4 lawyer, I must invoke my Fifth Amendment right.<br/>5 BY MR. KUVIN:<br/>6 Q. Who introduced you to Jeffrey Epstein the<br/>7 first time that you met him?<br/>8 MR. RHEINHART: Same instruction.<br/>9 THE WITNESS: On the instruction of my<br/>10 lawyer, I must invoke my Fifth Amendment right.<br/>11 BY MR. KUVIN:<br/>12 Q. Did Ghislaine Maxwell introduce you to<br/>13 Jeffrey Epstein for the first time?<br/>14 MR. RHEINHART: Same instruction.<br/>15 THE WITNESS: On the instruction of my<br/>16 lawyer, I must invoke my Fifth Amendment right.<br/>17 BY MR. KUVIN:<br/>18 Q. When was the first time you were in<br/>19 Jeffrey Epstein's home located on El Brillo Way on<br/>20 Palm Beach Island?<br/>21 MR. RHEINHART: Object to the form of the<br/>22 question as compound and assuming facts not<br/>23 before the witness. And I instruct the witness<br/>24 not to answer based on her Fifth Amendment<br/>25 privilege.</p> | <p>1 witness, and I will instruct the witness not to<br/>2 answer based on her Fifth Amendment privilege.<br/>3 THE WITNESS: On the instruction of my<br/>4 lawyer, I must invoke my Fifth Amendment right.<br/>5 BY MR. KUVIN:<br/>6 Q. Would you agree with me that<br/>7 Jeffrey Epstein owns numerous planes, private<br/>8 planes?<br/>9 MR. RHEINHART: Instruct the witness not<br/>10 to answer.<br/>11 THE WITNESS: On the instruction of my<br/>12 lawyer, I must invoke my Fifth Amendment right.<br/>13 BY MR. KUVIN:<br/>14 Q. And you've been on every one of those<br/>15 private planes; isn't that true?<br/>16 MR. RHEINHART: Object to the form. It<br/>17 assumes facts not before the witness, and I<br/>18 will instruct the witness not to answer based<br/>19 on her Fifth Amendment privilege.<br/>20 THE WITNESS: On the instruction of my<br/>21 lawyer, I must invoke my Fifth Amendment right.<br/>22 BY MR. KUVIN:<br/>23 Q. Ma'am, isn't it true that you've seen the<br/>24 passenger manifest for Jeffrey Epstein's plane?<br/>25 MR. RHEINHART: Object to the form. It</p> |
| Page 22                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Page 24                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>1 THE WITNESS: On the instruction of my<br/>2 lawyer, I must invoke my Fifth Amendment right.<br/>3 BY MR. KUVIN:<br/>4 Q. Would you agree with me that<br/>5 Jeffrey Epstein owns a home at 358 El Brillo Way,<br/>6 Palm Beach Island, Florida?<br/>7 MR. RHEINHART: Instruct the witness not<br/>8 to answer based on her Fifth Amendment<br/>9 privilege.<br/>10 THE WITNESS: On instruction of my<br/>11 counsel, I must invoke my Fifth Amendment<br/>12 right.<br/>13 BY MR. KUVIN:<br/>14 Q. Would you agree with me that you've been<br/>15 in that home numerous times?<br/>16 MR. RHEINHART: Instruct the witness not<br/>17 to answer the question based on her Fifth<br/>18 Amendment privilege.<br/>19 THE WITNESS: On instruction of my lawyer,<br/>20 I must invoke my Fifth Amendment right.<br/>21 BY MR. KUVIN:<br/>22 Q. Would you agree with me that you have gone<br/>23 on Jeffrey Epstein's plane numerous times?<br/>24 MR. RHEINHART: Object to the form. It<br/>25 assumes facts that are not present for the</p>                                   | <p>1 assumes facts that are not established as known<br/>2 to this witness, and I instruct the witness not<br/>3 to answer the question based on her Fifth<br/>4 Amendment privilege.<br/>5 THE WITNESS: On the instruction of my<br/>6 lawyer, I must invoke my Fifth Amendment right.<br/>7 MR. KUVIN: Let me show you what we'll<br/>8 mark as Exhibit 2.<br/>9<br/>10 (Plaintiff's Exhibit No. 2 was marked for<br/>11 identification.)<br/>12 MR. KUVIN: Thank you.<br/>13 MR. RHEINHART: Do you want to zoom in on<br/>14 it like you did the last time?<br/>15 MR. KUVIN: No, that's fine.<br/>16 MR. RHEINHART: Take your time.<br/>17 MR. KUVIN: And flip through.<br/>18 BY MR. KUVIN:<br/>19 Q. All right. Ma'am, would you agree with me<br/>20 that this is a passenger manifest for one of<br/>21 Jeffrey Epstein's airplanes?<br/>22 MR. RHEINHART: Instruct the witness not<br/>23 to answer the question based on her Fifth<br/>24 Amendment privilege.<br/>25 THE WITNESS: On the instruction of my</p>                                                                                   |

6 (Pages 21 to 24)

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| Page 37                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page 39                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 THE VIDEOGRAPHER: We're now on video</p> <p>2 record at 11:01 a.m.</p> <p>3 MR. KUVIN: Just for the video record and</p> <p>4 for the written record Katherine Ezell and Amy</p> <p>5 Ederi have now appeared and are present in</p> <p>6 person.</p> <p>7 MR. GOLDBERGER: Just one more matter for</p> <p>8 the record. Jack Goldberger, on behalf of</p> <p>9 Jeffrey Epstein. Rather than impose a form</p> <p>10 objection to every question, I think we have</p> <p>11 reached an agreement that on behalf of</p> <p>12 Mr. Epstein, I am adopting the form objections</p> <p>13 that Mr. Rheinhart is making on behalf of his</p> <p>14 client nunc pro tunc to the beginning of this</p> <p>15 deposition.</p> <p>16 MR. KUVIN: No objection.</p> <p>17 MR. GOLDBERGER: Okay.</p> <p>18 BY MR. KUVIN:</p> <p>19 Q. All right. All right. Ms. Kellen, would</p> <p>20 you agree with me that there was an agreement</p> <p>21 between Jeffrey Epstein, Ghislaine Maxwell,</p> <p>22 Jean-Luc Brunel, yourself and Nadia Marcinkova to</p> <p>23 bring in girls from out of state that were underage?</p> <p>24 MR. RHEINHART: Object to the form of the</p> <p>25 question as leading, as compound, and instruct</p> | <p>1 personal knowledge and instruct her not to</p> <p>2 answer based on her Fifth Amendment privilege.</p> <p>3 It's also compound.</p> <p>4 THE WITNESS: On the instruction of my</p> <p>5 lawyer I must invoke my Fifth Amendment</p> <p>6 privilege.</p> <p>7 BY MR. KUVIN:</p> <p>8 Q. The witness says that you may not have</p> <p>9 knowledge or we don't know whether you have</p> <p>10 knowledge regarding this passenger manifest, so let</p> <p>11 me ask you, do you have any knowledge about this</p> <p>12 passenger manifest?</p> <p>13 MR. RHEINHART: Object to the form of the</p> <p>14 question as ambiguous as to this and what a</p> <p>15 manifest is, and also her knowledge, and I will</p> <p>16 instruct her not to answer based on her Fifth</p> <p>17 Amendment privilege.</p> <p>18 THE WITNESS: On the instruction of my</p> <p>19 lawyer, I must invoke my Fifth Amendment</p> <p>20 privilege.</p> <p>21 BY MR. KUVIN:</p> <p>22 Q. Based on the objection, do you know what a</p> <p>23 manifest is?</p> <p>24 MR. RHEINHART: Object to the form of the</p> <p>25 question as ambiguous and instruct her not to</p> |
| Page 38                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page 40                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>1 the witness not to answer based on her Fifth</p> <p>2 Amendment privilege.</p> <p>3 THE WITNESS: On the instruction of my</p> <p>4 lawyer I must invoke my Fifth Amendment right.</p> <p>5 BY MR. KUVIN:</p> <p>6 Q. Would you agree with me that there was an</p> <p>7 agreement between Jeffrey Epstein,</p> <p>8 Ghislaine Maxwell, Jean-Luc Brunel, yourself and</p> <p>9 Nadia Marcinkova to bring in girls that were</p> <p>10 underage from out of state for sexual contact?</p> <p>11 MR. RHEINHART: Object to the form of the</p> <p>12 question as leading and compound, and I</p> <p>13 instruct the witness not to answer based on her</p> <p>14 Fifth Amendment privilege.</p> <p>15 THE WITNESS: On the instruction of my</p> <p>16 lawyer I must invoke my Fifth Amendment</p> <p>17 privilege.</p> <p>18 BY MR. KUVIN:</p> <p>19 Q. All right. Let me show you what we've</p> <p>20 premarked as Plaintiff's Exhibit 3. Do you</p> <p>21 recognize this as the passenger manifest for one of</p> <p>22 Jeffrey Epstein's planes?</p> <p>23 MR. RHEINHART: I object to the form of</p> <p>24 the question. It assumes facts that this</p> <p>25 witness, evidence that this witness has no</p>              | <p>1 answer based on her Fifth Amendment privilege.</p> <p>2 THE WITNESS: On the instruction of my</p> <p>3 lawyer I must invoke my Fifth Amendment right.</p> <p>4 BY MR. KUVIN:</p> <p>5 Q. Have you heard the word "manifest" before?</p> <p>6 MR. RHEINHART: I'll instruct the witness</p> <p>7 not to answer based on her Fifth Amendment</p> <p>8 privilege.</p> <p>9 THE WITNESS: On the instruction of my</p> <p>10 lawyer I must invoke my Fifth Amendment right.</p> <p>11 BY MR. KUVIN:</p> <p>12 Q. Would you agree with me, ma'am, that you</p> <p>13 have seen this passenger manifest, listed as</p> <p>14 Exhibit 3, in the past?</p> <p>15 MR. RHEINHART: I'll instruct the witness</p> <p>16 not to answer based on her Fifth Amendment</p> <p>17 privilege.</p> <p>18 THE WITNESS: On the instruction of my</p> <p>19 lawyer I must invoke my Fifth Amendment right.</p> <p>20 BY MR. KUVIN:</p> <p>21 Q. Who is Zinta Broukis?</p> <p>22 MR. RHEINHART: I'll instruct the witness</p> <p>23 not to answer based on her Fifth Amendment</p> <p>24 privilege.</p> <p>25 THE WITNESS: On the instruction of my</p>                    |

10 (Pages 37 to 40)



| Page 97                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Page 99                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 MR. RHEINHART: Same instruction.<br/> 2 THE WITNESS: On the instruction of my<br/> 3 lawyer, I must invoke my Fifth Amendment<br/> 4 privilege.<br/> 5 BY MR. KUVIN:<br/> 6 Q. Have you ever worked as a professional<br/> 7 model?<br/> 8 MR. RHEINHART: May I consult?<br/> 9 MR. KUVIN: Sure.<br/> 10 MR. RHEINHART: You can answer the<br/> 11 question.<br/> 12 THE WITNESS: Yes.<br/> 13 BY MR. KUVIN:<br/> 14 Q. When?<br/> 15 A. I don't remember. I don't remember the dates.<br/> 16 It was at least maybe ten years ago.<br/> 17 Q. And you're how old now?<br/> 18 MR. RHEINHART: I'll instruct the witness<br/> 19 not to answer the question. Nice try.<br/> 20 Instruct you not to answer based on<br/> 21 your Fifth Amendment privilege.<br/> 22 THE WITNESS: On the instruction of my<br/> 23 lawyer, I'm going to invoke my Fifth Amendment<br/> 24 privilege.<br/> 25 MR. KUVIN: I'm just trying to find out.</p>                                                                                                 | <p>1 assumes facts that have not been established<br/> 2 and it's compound.<br/> 3 THE WITNESS: On the instruction of my<br/> 4 lawyer, I must invoke my Fifth Amendment<br/> 5 privilege.<br/> 6 MR. RHEINHART: And to clarify the<br/> 7 objection is that it assumes that she's ever<br/> 8 met or knows anything about Jean-Luc Brunel.<br/> 9 BY MR. KUVIN:<br/> 10 Q. Were you ever promised anything regarding<br/> 11 your modeling career by Jeffrey Epstein?<br/> 12 MR. RHEINHART: Same objection, instruct<br/> 13 the witness not to answer.<br/> 14 THE WITNESS: On the instruction of my<br/> 15 lawyer, I must invoke my Fifth Amendment<br/> 16 privilege.<br/> 17 BY MR. KUVIN:<br/> 18 Q. You would agree with me that there is a<br/> 19 financial arrangement between Jean-Luc Brunel and<br/> 20 Jeffrey Epstein, do you not?<br/> 21 MR. RHEINHART: Objection. It assumes she<br/> 22 has any knowledge of either Mr. Epstein or<br/> 23 Mr. Brunel, and as to that she is going to<br/> 24 invoke her Fifth Amendment privilege. The<br/> 25 question is compound and therefore ambiguous.</p> |
| Page 98                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Page 100                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>1 MR. RHEINHART: Like I said, good try.<br/> 2 Move on.<br/> 3 BY MR. KUVIN:<br/> 4 Q. With respect to your work as a<br/> 5 professional model, what company did you work for?<br/> 6 MR. RHEINHART: Instruct the witness not<br/> 7 to answer based on the Fifth Amendment<br/> 8 privilege.<br/> 9 THE WITNESS: On the instruction of my<br/> 10 lawyer, I invoke my Fifth Amendment privilege.<br/> 11 BY MR. KUVIN:<br/> 12 Q. What is your understanding of<br/> 13 Mr. Epstein's involvement with the modeling<br/> 14 industry?<br/> 15 MR. RHEINHART: Standing objection, and<br/> 16 instruct the witness not to answer based on<br/> 17 Fifth Amendment, on that basis.<br/> 18 THE WITNESS: Upon the instruction of my<br/> 19 lawyer, I must invoke my Fifth Amendment<br/> 20 privilege.<br/> 21 BY MR. KUVIN:<br/> 22 Q. Were you ever promised anything regarding<br/> 23 your modeling career by Jean-Luc Brunel?<br/> 24 MR. RHEINHART: Instruct the witness not<br/> 25 to answer based on Fifth Amendment, also</p> | <p>1 THE WITNESS: On the instruction of my<br/> 2 lawyer, I must invoke my Fifth Amendment<br/> 3 privilege.<br/> 4 BY MR. KUVIN:<br/> 5 Q. Would you agree with me that<br/> 6 Ghislaine Maxwell provides underage girls to<br/> 7 Mr. Epstein for sex?<br/> 8 MR. RHEINHART: Objection to the form. It<br/> 9 assumes she knows anything at all about<br/> 10 Ghislaine Maxwell and asks her to assume that<br/> 11 she does, and therefore it is compound and<br/> 12 ambiguous, and I would instruct her not to<br/> 13 answer.<br/> 14 THE WITNESS: Upon the instruction of my<br/> 15 lawyer, I must invoke my Fifth Amendment<br/> 16 privilege.<br/> 17 MR. KUVIN: That's a good point. Take a<br/> 18 look at what we'll mark as Exhibit 10.<br/> 19 (Plaintiffs Exhibit No. 10 was marked for<br/> 20 identification.)<br/> 21 MR. KUVIN: All me to show it to the<br/> 22 camera first.<br/> 23 MR. RHEINHART: Okay.<br/> 24 MR. KUVIN: Okay.<br/> 25 THE WITNESS: Okay.</p>                                                                                                                                |

25 (Pages 97 to 100)



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1 reasonably designed to lead to discoverable  
2 evidence.  
3 BY MS. EZELL:  
4 Q. Did you facilitate these acts as well as  
5 assisting Mr. Epstein in avoiding police detection?  
6 MR. REINHART: Same instruction.  
7 BY MS. EZELL:  
8 Q. Do you know when and by whom the computers  
9 were removed from the El Brillo mansion?  
10 MR. REINHART: Objection to the form, lack of  
11 foundation, and it also assumes knowledge of a  
12 place known as the El Brillo mansion. So instruct  
13 the witness not to answer the question based on the  
14 Fifth Amendment.  
15 THE WITNESS: At the instruction of my lawyer,  
16 I must invoke my Fifth Amendment right.  
17 BY MS. EZELL:  
18 Q. Was Jane No. 103 invited to just come and hang  
19 out at the El Brillo mansion?  
20 MR. REINHART: Objection to the form, same as  
21 the previous question. It assumes knowledge of a  
22 place known as the El Brillo mansion and a person  
23 by the name of Jane No. 103. It is compound and  
24 lacking in foundation.  
25 THE WITNESS: at the instruction of my lawyer,



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1 I must invoke my Fifth Amendment right.  
2 BY MS. EZELL:  
3 Q. Have you called any girls under the age of 18  
4 in Palm Beach or West Palm Beach in the last six years?  
5 MR. REINHART: For any purpose?  
6 MS. EZELL: Yes.  
7 THE WITNESS: Can you repeat the question?  
8 BY MS. EZELL:  
9 Q. Have you called any girls under the age of 18  
10 in Palm Beach or West Palm Beach in the last six years?  
11 MR. REINHART: You can answer that yes or no,  
12 if you know.  
13 THE WITNESS: I don't think so.  
14 MS. EZELL: I don't have any other questions.  
15 Thank you.  
16 THE VIDEOGRAPHER: All set?  
17 MR. REINHART: Yes.  
18 THE VIDEOGRAPHER: This concludes today's  
19 videotape deposition of Sarah Kellen.  
20 MR. REINHART: Hold on, I'm sorry, one last  
21 thing. Since you're the last defense person or  
22 plaintiff's lawyer standing, I guess you need to  
23 advise her she has the right to read or waive on  
24 the record.  
25 MS. EZELL: You do have the right to read this

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1 deposition or you may waive reading and allow the  
2 court reporter to simply type it up and distribute  
3 it to the lawyers who order it.  
4 Do you choose to read or waive?  
5 THE WITNESS: Waive.  
6 MS. EZELL: Thank you.  
7 MR. REINHART: Thank you.  
8 THE VIDEOGRAPHER: Okay, this concludes  
9 today's videotape deposition of Sarah Kellen. The  
10 time is 18:51.  
11 (Witness excused.)  
12 (Deposition was concluded.)  
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1 CERTIFICATE  
2 THE STATE OF FLORIDA  
3 COUNTY OF PALM BEACH  
4  
5 I, Rachel W. Bridge, Registered Professional  
6 Reporter, Florida Professional Reporter and Notary  
7 Public in and for the State of Florida at large, do  
8 hereby certify that I was authorized to and did report  
9 said deposition in stenotype; and that the foregoing  
10 pages are a true and correct transcription of my  
11 shorthand notes of said deposition.  
12 I further certify that said deposition was  
13 taken at the time and place hereinabove set forth and  
14 that the taking of said deposition was commenced and  
15 completed as hereinabove set out.  
16  
17 I further certify that I am not attorney or  
18 counsel of any of the parties, nor am I a relative or  
19 employee of any attorney or counsel of party connected  
20 with the action, nor am I financially interested in the  
21 action.  
22  
23 The foregoing certification of this transcript  
24 does not apply to any reproduction of the same by any  
25 means unless under the direct control and/or direction  
of the certifying reporter.  
Dated this 9th day of April, 2015  
  
Rachel W. Bridge, RMR, CRR, FPR  


21 (Pages 445 to 448)

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# **EXHIBIT 15**

## **(Filed Under Seal)**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-CV-80893-CIV-MARRA/JOHNSON

JANE DOE,

Plaintiff,

vs.

JEFFREY EPSTEIN, et al.,

Defendants.

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Related Cases:

08-80119, 08-80232, 08-80380, 08-80381,  
08-80994, 08-80811, 08-80893, 09-80469,  
09-8-591, 09-80656, 09-80802, 09-81092

VIDEOTAPED DEPOSITION OF NADIA MARCINKOVA  
TAKEN ON BEHALF OF THE PLAINTIFF

DATE: April 13, 2010

U.S. Legal Support  
(561) 835-0220

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>26</p> <p>1 to his house to sexually molest; is that right?</p> <p>2 MR. YAREMA: Object to the form.</p> <p>3 A Fifth.</p> <p>4 Q The first time she went to Jeffrey</p> <p>5 Epstein's house was in 2002 when she was only 14</p> <p>6 years old; is that true?</p> <p>7 MR. YAREMA: Object to the form.</p> <p>8 A Fifth.</p> <p>9 Q In fact in 2002 you were only 18 years</p> <p>10 old or so yourself; is that right?</p> <p>11 A Fifth.</p> <p>12 Q And E.W. is somebody you observed at</p> <p>13 Jeffrey Epstein's house on more than 100</p> <p>14 occasions between 2002 and 2005, a time period</p> <p>15 between 14 and 17 years of age for her; is that</p> <p>16 right?</p> <p>17 MR. YAREMA: Object to the form.</p> <p>18 A Fifth.</p> <p>19 Q And each time E.W. was summoned to</p> <p>20 Jeffrey Epstein's house, it was for the purposes</p> <p>21 of Jeffrey Epstein sexually molesting her,</p> <p>22 correct?</p> <p>23 MR. YAREMA: Object to the form.</p> <p>24 A Fifth.</p> <p>25 Q If it was not Jeffrey Epstein personally</p>                                                                                         | <p>28</p> <p>1 minor females?</p> <p>2 MR. YAREMA: Object to the form.</p> <p>3 A Fifth.</p> <p>4 Q You have received oral sex from underage</p> <p>5 minor females?</p> <p>6 MR. YAREMA: Object to the form.</p> <p>7 A Fifth.</p> <p>8 Q All of these sexual acts with minor</p> <p>9 females involving you happened in the presence of</p> <p>10 Jeffrey Epstein?</p> <p>11 MR. YAREMA: Object to the form.</p> <p>12 A Fifth.</p> <p>13 Q During your interaction with underage</p> <p>14 minor females in a sexual manner, isn't it true</p> <p>15 that Jeffrey Epstein would participate in the</p> <p>16 sexual acts and the act would be over upon</p> <p>17 Jeffrey Epstein ejaculating, correct?</p> <p>18 MR. YAREMA: Object to the form.</p> <p>19 A Fifth.</p> <p>20 Q Did Jeffrey Epstein tell you, that when</p> <p>21 E.W. was an underage minor female, he forced her</p> <p>22 to give him oral sex?</p> <p>23 MR. YAREMA: Object to the form.</p> <p>24 A Fifth.</p> <p>25 Q Do you remember E.W. coming over, a</p>                                            |
| <p>27</p> <p>1 calling E.W., you observed Sarah Kellen to call</p> <p>2 E.W. for the purposes of her coming over and</p> <p>3 pleasing Jeffrey Epstein sexually, correct?</p> <p>4 MR. YAREMA: Object to the form.</p> <p>5 A Fifth.</p> <p>6 Q And do you remember the instance where</p> <p>7 Jeffrey Epstein instructed you to lay down naked</p> <p>8 and engage in a threesome with E.W. and Jeffrey</p> <p>9 Epstein?</p> <p>10 MR. YAREMA: Object to the form.</p> <p>11 A Fifth.</p> <p>12 Q Do you remember that that during that</p> <p>13 threesome, Jeffrey Epstein demanded E.W. to</p> <p>14 straddle you and otherwise engage sexually with</p> <p>15 you while Jeffrey Epstein was using vibrators</p> <p>16 and/or dildos on you?</p> <p>17 MR. YAREMA: Object to the form.</p> <p>18 A Fifth.</p> <p>19 Q In addition to your sexual interactions</p> <p>20 with E.W., isn't it true that you have used</p> <p>21 strap-on dildos and vibrators on other underage</p> <p>22 minors at Jeffrey Epstein's direction?</p> <p>23 MR. YAREMA: Object to the form.</p> <p>24 A Fifth.</p> <p>25 Q You have given oral sex to underage</p> | <p>29</p> <p>1 young girl, with braces on, and going up into</p> <p>2 Jeffrey Epstein's bedroom on numerous occasions</p> <p>3 to be sexually molested?</p> <p>4 MR. YAREMA: Object to the form.</p> <p>5 A Fifth.</p> <p>6 Q Do you know when it was that Jeffrey</p> <p>7 Epstein developed his plan or scheme to gain</p> <p>8 access to hundreds of underage minor females for</p> <p>9 the purposes of his sexual gratification?</p> <p>10 MR. YAREMA: Object to the form.</p> <p>11 A Fifth.</p> <p>12 Q Were you a part of the planning of that</p> <p>13 scheme of Jeffrey Epstein's to gain access to</p> <p>14 underage minor females?</p> <p>15 MR. YAREMA: Object to the form.</p> <p>16 A Fifth.</p> <p>17 Q Do you know Ghislaine Maxwell?</p> <p>18 A Fifth.</p> <p>19 Q Is that somebody who helped Jeffrey</p> <p>20 Epstein to devise the scheme to allow him access</p> <p>21 to various and a variety of underage minor</p> <p>22 females?</p> <p>23 MR. YAREMA: Object to the form.</p> <p>24 A Fifth.</p> <p>25 Q Is Sarah Kellen somebody that was also</p> |

8 (Pages 26 to 29)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>30</p> <p>1 involved in the planning of this scheme to gain</p> <p>2 access to underage minor females?</p> <p>3 MR. YAREMA: Object to the form.</p> <p>4 A Fifth.</p> <p>5 Q When is the first time that you observed</p> <p>6 Jeffrey Epstein's method of enticing or inducing</p> <p>7 underage minor females into sexual acts with him</p> <p>8 inside his bedroom?</p> <p>9 MR. YAREMA: Object to the form.</p> <p>10 A Fifth.</p> <p>11 Q Isn't it true that after an underage</p> <p>12 minor female was brought to Jeffrey Epstein's</p> <p>13 house, typically Sarah Kellen, or Adriana or</p> <p>14 yourself would lead that underage minor female to</p> <p>15 Jeffrey Epstein's bedroom and leave them alone in</p> <p>16 the room; is that true?</p> <p>17 MR. YAREMA: Object to the form.</p> <p>18 A Fifth.</p> <p>19 Q Then Jeffrey Epstein would appear either</p> <p>20 naked or wearing a towel; is that true?</p> <p>21 MR. YAREMA: Object to the form.</p> <p>22 A Fifth.</p> <p>23 Q This is his habit or method of</p> <p>24 operation, every single time, and that's</p> <p>25 something that he has told you about his sexual</p> | <p>32</p> <p>1 sex toys on you, correct?</p> <p>2 A Fifth.</p> <p>3 Q And he has instructed you to use sex</p> <p>4 toys and vibrators on other underage minor</p> <p>5 females, correct?</p> <p>6 MR. YAREMA: Object to the form.</p> <p>7 A Fifth.</p> <p>8 Q You have observed Jeffrey Epstein</p> <p>9 digitally penetrate the vagina of underage minor</p> <p>10 females, including E.W., correct?</p> <p>11 MR. YAREMA: Object to the form.</p> <p>12 A Fifth.</p> <p>13 Q As part of his plan to avoid detection</p> <p>14 by law enforcement, you have observed Jeffrey</p> <p>15 Epstein to pay these underage minor females to be</p> <p>16 quiet, correct?</p> <p>17 MR. YAREMA: Object to the form.</p> <p>18 A Fifth.</p> <p>19 Q And this is something that he has told</p> <p>20 you he does, for the purposes of grooming these</p> <p>21 underage minor females, and avoiding law</p> <p>22 enforcement detection, correct?</p> <p>23 MR. YAREMA: Object to the form.</p> <p>24 A Fifth.</p> <p>25 Q Jeffrey Epstein has talked to you about</p>                                                                                                     |
| <p>31</p> <p>1 interaction with underage minors; is that true?</p> <p>2 MR. YAREMA: Object to the form.</p> <p>3 A Fifth.</p> <p>4 Q And he would direct or demand or</p> <p>5 instruct the underage minor female to remove her</p> <p>6 clothing; is that true?</p> <p>7 MR. YAREMA: Object to the form.</p> <p>8 A Fifth.</p> <p>9 Q Then he would perform one or more lewd</p> <p>10 or lascivious or sexual acts on the underage</p> <p>11 minor female. Is that true?</p> <p>12 MR. YAREMA: Object to the form.</p> <p>13 A Fifth.</p> <p>14 Q And you have observed Jeffrey Epstein</p> <p>15 engage in sexual interaction with underage minor</p> <p>16 females on hundreds and hundreds of occasions,</p> <p>17 correct?</p> <p>18 MR. YAREMA: Object to the form.</p> <p>19 A Fifth.</p> <p>20 Q And you have observed Jeffrey Epstein</p> <p>21 using vibrators and sexual toys on underage</p> <p>22 minors, true?</p> <p>23 MR. YAREMA: Object to the form.</p> <p>24 A Fifth.</p> <p>25 Q In fact, he has also used vibrators and</p>                                                                                                           | <p>33</p> <p>1 the psychology of brainwashing or grooming</p> <p>2 underage minor females to perform for him</p> <p>3 sexually, hasn't he?</p> <p>4 MR. YAREMA: Object to the form.</p> <p>5 A Fifth.</p> <p>6 Q And Sarah Kellen has also spoken with</p> <p>7 you about the methodology behind gaining access</p> <p>8 to and grooming underage minor females for sex?</p> <p>9 MR. YAREMA: Object to form.</p> <p>10 A Fifth.</p> <p>11 Q Isn't it true that Ghislaine Maxwell and</p> <p>12 yourself and Sarah Kellen had access to a master</p> <p>13 list of underage minor females names and phone</p> <p>14 numbers so that they could be called?</p> <p>15 MR. GOLDBERGER: Time out. Are you</p> <p>16 talking to me, counsel?</p> <p>17 MR. HOROWITZ: Nodding my head, back at</p> <p>18 you. You were nodding at me.</p> <p>19 MR. GOLDBERGER: I wasn't nodding at</p> <p>20 you. I'm not talking to you, I'm not</p> <p>21 communicating with you. I don't know what</p> <p>22 you think we are doing here. You said "It</p> <p>23 is true," and I have no idea what you are</p> <p>24 talking about. Don't interrupt the</p> <p>25 deposition, okay?</p> |

9 (Pages 30 to 33)



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| <p>34</p> <p>1 MR. HOROWITZ: I think you interrupted.</p> <p>2 MR. GOLDBERGER: I didn't do a thing --</p> <p>3 MR. EDWARDS: I don't know what's</p> <p>4 happened here. It has deteriorated here for</p> <p>5 no reason whatsoever and has nothing to do</p> <p>6 with me or the witness.</p> <p>7 MR. GOLDBERGER: You're 100 percent</p> <p>8 correct.</p> <p>9 MR. EDWARDS: Can we go back to it.</p> <p>10 MR. GOLDBERGER: Absolutely.</p> <p>11 MR. EDWARDS: Perfect.</p> <p>12 The silent fight disrupted me. I lost</p> <p>13 where I am now.</p> <p>14 MR. GOLDBERGER: Sorry.</p> <p>15 MR. EDWARDS: Can you read it back.</p> <p>16 THE COURT REPORTER: Certainly.</p> <p>17 (The record was read.)</p> <p>18 MR. EDWARDS: I'll rephrase the</p> <p>19 question.</p> <p>20 Q Isn't it true that yourself, Ghislaine</p> <p>21 Maxwell and Sarah Kellen had access to a master</p> <p>22 of list of underage minor females names and phone</p> <p>23 numbers so they could be called for the purpose</p> <p>24 of coming to Jeffrey Epstein's house to be</p> <p>25 sexually molested?</p> | <p>36</p> <p>1 A Fifth.</p> <p>2 Q In addition to that system, isn't it</p> <p>3 true that Jeffrey Epstein traffics underage minor</p> <p>4 females through a modeling agency?</p> <p>5 MR. YAREMA: Object to the form.</p> <p>6 A Fifth.</p> <p>7 Q Is a modeling agency that he is involved</p> <p>8 in with Jean Luc Brunel; you know who that is</p> <p>9 right?</p> <p>10 MR. YAREMA: Object to the form.</p> <p>11 A Fifth.</p> <p>12 Q Are you familiar with MC-2 or MC-Squared</p> <p>13 Modeling Agency?</p> <p>14 A Fifth.</p> <p>15 Q You know Jean Luc Brunel, right?</p> <p>16 MR. YAREMA: Object to the form.</p> <p>17 A Fifth.</p> <p>18 Q Is Jean Luc Brunel somebody that you</p> <p>19 have been made to perform on sexually?</p> <p>20 MR. YAREMA: Object to the form.</p> <p>21 A Fifth.</p> <p>22 Q Jean Luc Brunel is somebody that you</p> <p>23 know to also be a child molester, true?</p> <p>24 MR. YAREMA: Object to the form.</p> <p>25 A Fifth.</p>                                                                                                                        |
| <p>35</p> <p>1 MR. YAREMA: Object to the form.</p> <p>2 A Fifth.</p> <p>3 Q How many underage minor females are on</p> <p>4 that master list?</p> <p>5 MR. YAREMA: Object to the form.</p> <p>6 A Fifth.</p> <p>7 Q Are there photographs of these underage</p> <p>8 minor females on that master list?</p> <p>9 MR. YAREMA: Object to the form.</p> <p>10 A Fifth.</p> <p>11 Q Is that master list saved on a computer</p> <p>12 system, as has been testified to in the past?</p> <p>13 MR. YAREMA: Object to the form.</p> <p>14 A Fifth.</p> <p>15 Q Has Jeffrey Epstein talked to you about</p> <p>16 the success of his scheme to procure underage</p> <p>17 minor females?</p> <p>18 MR. YAREMA: Object to the form.</p> <p>19 A Fifth.</p> <p>20 Q By that, I mean, the method where he</p> <p>21 molests an underage minor female, then offers</p> <p>22 them additional money if they will bring him</p> <p>23 other underage minor females to molest; are you</p> <p>24 familiar with that system?</p> <p>25 MR. YAREMA: Object to the form.</p>                                       | <p>37</p> <p>1 Q This is somebody who for years the</p> <p>2 public has known of Jean Luc Brunel as a child</p> <p>3 molester, true?</p> <p>4 MR. YAREMA: Object to the form.</p> <p>5 A Fifth.</p> <p>6 Q In fact, that is the only thing Jeffrey</p> <p>7 Epstein and Jean Luc Brunel have in common, is</p> <p>8 their obsession for underage minor females,</p> <p>9 correct?</p> <p>10 MR. YAREMA: Object to the form.</p> <p>11 A Fifth.</p> <p>12 Q And the modeling agency is but one other</p> <p>13 mechanism used by Jeffrey Epstein to gain access</p> <p>14 to underage minor females for sex, true?</p> <p>15 MR. YAREMA: Object to the form.</p> <p>16 A Fifth.</p> <p>17 Q I read you the statute earlier on Lewd</p> <p>18 and Lascivious Molestation, Chapter 800.04, and</p> <p>19 that's something that you have witnessed Jeffrey</p> <p>20 Epstein violate on hundreds of occasions,</p> <p>21 correct?</p> <p>22 MR. YAREMA: Object to the form.</p> <p>23 A Fifth.</p> <p>24 Q And something that you have witnessed</p> <p>25 Jeffrey Epstein specifically violate, against</p> |

10 (Pages 34 to 37)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>46</p> <p>1 A Fifth.</p> <p>2 Q That particular message indicates it is</p> <p>3 from Nadia. You're the only "Nadia" in the</p> <p>4 house; is that correct?</p> <p>5 MR. YAREMA: Object to the form.</p> <p>6 A Fifth.</p> <p>7 Q This is a call from you indicating that</p> <p>8 [REDACTED] cannot work today and [REDACTED] will be</p> <p>9 here at 4:00 p.m.;" is that right?</p> <p>10 MR. YAREMA: Object to the form?</p> <p>11 A Fifth.</p> <p>12 Q Who is [REDACTED]?</p> <p>13 A Fifth.</p> <p>14 MR. YAREMA: Object to the form.</p> <p>15 Q That's an underage minor female that was</p> <p>16 scheduled to be molested at Jeffrey Epstein's</p> <p>17 house?</p> <p>18 MR. YAREMA: Object to the form.</p> <p>19 A Fifth.</p> <p>20 Q You scheduled that act of molestation;</p> <p>21 is that right?</p> <p>22 MR. YAREMA: Object to the form.</p> <p>23 A Fifth.</p> <p>24 Q And [REDACTED] will be at the house at 4:00</p> <p>25 p.m. [REDACTED] is another underage minor female;</p>         | <p>48</p> <p>1 Ghislaine Maxwell's sexual interaction with Jane</p> <p>2 Doe-102 when she was a minor?</p> <p>3 MR. YAREMA: Object to the form.</p> <p>4 Q This is one of many underage minor</p> <p>5 females that was trafficked basically around the</p> <p>6 globe to be sexually exploited and abused; is</p> <p>7 that correct?</p> <p>8 MR. YAREMA: Object to the form.</p> <p>9 A Fifth.</p> <p>10 Q Was that typical of Jeffrey Epstein and</p> <p>11 Ghislaine Maxwell to sexually abuse minors on</p> <p>12 Jeffrey Epstein's airplane?</p> <p>13 MR. YAREMA: Object to the form.</p> <p>14 A Fifth.</p> <p>15 Q And also typical of Ghislaine Maxwell</p> <p>16 and Jeffrey Epstein to prostitute or pimp out</p> <p>17 underage minors to friends?</p> <p>18 MR. YAREMA: Object to the form.</p> <p>19 A Fifth.</p> <p>20 Q By "friends," I am talking specifically</p> <p>21 about people of royalty, politicians,</p> <p>22 academicians, businessmen and other professional</p> <p>23 or personal acquaintances?</p> <p>24 MR. YAREMA: Object to the form.</p> <p>25 A Fifth.</p> |
| <p>47</p> <p>1 is that correct?</p> <p>2 MR. YAREMA: Object to the form.</p> <p>3 A Fifth.</p> <p>4 Q That's somebody else that you were</p> <p>5 scheduling to come to his house at 4:00 p.m. for</p> <p>6 Jeffrey Epstein to engage in sexual acts with</p> <p>7 her, while she was an underage minor, true?</p> <p>8 MR. YAREMA: Object to the form.</p> <p>9 A Fifth.</p> <p>10 Q Do you know Les Wexner?</p> <p>11 A Fifth.</p> <p>12 Q That's somebody that you know owns and</p> <p>13 operates the Victoria's Secret, the Limited?</p> <p>14 MR. YAREMA: Object to the form.</p> <p>15 A Is that a question?</p> <p>16 Q Is that somebody that you know to own</p> <p>17 Victoria's Secret or operate Victoria's Secret?</p> <p>18 A Fifth.</p> <p>19 Q Do you know if Jeffrey Epstein still</p> <p>20 talks with Leslie Wexner?</p> <p>21 MR. YAREMA: Object to the form.</p> <p>22 A Fifth.</p> <p>23 Q Do you know Jane Doe-102?</p> <p>24 A Fifth.</p> <p>25 Q Are you aware of Jeffrey Epstein and</p> | <p>49</p> <p>1 Q Were you with Jeffrey Epstein on his</p> <p>2 birthday when one of his friends sent to him</p> <p>3 12 -- sorry, three 12-year olds for the purposes</p> <p>4 of Jeffrey Epstein sexually abusing them?</p> <p>5 MR. YAREMA: Object to the form.</p> <p>6 A Fifth.</p> <p>7 Q How many occasions have you observed</p> <p>8 Jeffrey Epstein to receive as gifts from friends,</p> <p>9 underage minor females for the purposes of him</p> <p>10 sexually abusing them?</p> <p>11 MR. YAREMA: Object to the form.</p> <p>12 A Fifth.</p> <p>13 Q These three 12-year olds were from</p> <p>14 France. Were they sent to him on his birthday by</p> <p>15 Jean Luc Brunel or by somebody else?</p> <p>16 MR. YAREMA: Object to the form.</p> <p>17 A Fifth.</p> <p>18 Q Have you ever been made to engage in sex</p> <p>19 with 12-year olds?</p> <p>20 MR. YAREMA: Object to the form.</p> <p>21 A Fifth.</p> <p>22 Q Is it true that Jeffrey Epstein makes</p> <p>23 you dress up as a 12-year old?</p> <p>24 MR. YAREMA: Object to the form.</p> <p>25 A Fifth.</p>             |



13 (Pages 46 to 49)



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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>58</p> <p>1 Alan Dershowitz, meaning he continued to sexually</p> <p>2 abuse minors despite Alan Dershowitz being a</p> <p>3 guest in the house?</p> <p>4 MR. YAREMA: Object to the form.</p> <p>5 A Fifth.</p> <p>6 Q Alan Dershowitz never engaged in any</p> <p>7 sexual activity with these underage minors; isn't</p> <p>8 that true?</p> <p>9 MR. YAREMA: Object to the form.</p> <p>10 A Fifth.</p> <p>11 Q Have you been made to have sex with</p> <p>12 Ghislaine Maxwell?</p> <p>13 MR. YAREMA: Object to the form.</p> <p>14 A Fifth.</p> <p>15 Q Do you know [REDACTED]?</p> <p>16 A Fifth.</p> <p>17 Q Similar to you being Jeffrey Epstein's</p> <p>18 sex slave, is [REDACTED], or was [REDACTED]</p> <p>19 Ghislaine Maxwell's sex slave?</p> <p>20 MR. YAREMA: Object to the form.</p> <p>21 A Fifth.</p> <p>22 Q Ghislaine Maxwell is somebody who you</p> <p>23 know to be bi-sexual, true?</p> <p>24 MR. YAREMA: Object to the form.</p> <p>25 A Fifth.</p>                                                                                         | <p>60</p> <p>1 Q What was the purpose of that flight?</p> <p>2 MR. YAREMA: Object to the form.</p> <p>3 A Fifth.</p> <p>4 Q Did you sign a confidentiality agreement</p> <p>5 with Jeffrey Epstein?</p> <p>6 MR. YAREMA: Object to the form.</p> <p>7 A Fifth.</p> <p>8 Q When is the last time that you observed</p> <p>9 Jeffrey Epstein have sex with a minor?</p> <p>10 MR. YAREMA: Object to the form.</p> <p>11 A Fifth.</p> <p>12 Q Since being on probation, has Jeffrey</p> <p>13 Epstein been able to, or has he flown to his</p> <p>14 island?</p> <p>15 MR. YAREMA: Object to the form.</p> <p>16 A Fifth.</p> <p>17 Q To your knowledge, has Jeffrey Epstein</p> <p>18 flown to New York while on probation or community</p> <p>19 control?</p> <p>20 MR. YAREMA: Object to the form.</p> <p>21 A Fifth.</p> <p>22 Q Isn't it true that he has flown both to</p> <p>23 New York and to his island, and you have</p> <p>24 accompanied him on those trips, since he was on</p> <p>25 community control?</p>                                                                              |
| <p>59</p> <p>1 Q You know that Ghislaine Maxwell engaged</p> <p>2 in sexual acts with underage minor females, true?</p> <p>3 MR. YAREMA: Object to the form.</p> <p>4 A Fifth.</p> <p>5 Q This is yet another friend of Jeffrey</p> <p>6 Epstein's that is into the act of molesting</p> <p>7 underage minor females, right?</p> <p>8 MR. YAREMA: Object to the form.</p> <p>9 A Fifth.</p> <p>10 Q Now, you are the next participant in</p> <p>11 that activity, meaning you have been groomed to</p> <p>12 enjoy and appreciate the acts of sex with</p> <p>13 underage minors, true?</p> <p>14 MR. YAREMA: Object to the form.</p> <p>15 A Fifth.</p> <p>16 Q Has Jeffrey Epstein instructed you to</p> <p>17 lie to his Probation Officer in any way?</p> <p>18 MR. YAREMA: Object to the form.</p> <p>19 A Fifth.</p> <p>20 Q Mr. Visoski testified that you took a</p> <p>21 helicopter flight within the last year with</p> <p>22 Jeffrey Epstein to Miami. Do you remember that</p> <p>23 flight?</p> <p>24 MR. YAREMA: Object to the form.</p> <p>25 A Fifth.</p> | <p>61</p> <p>1 MR. YAREMA: Object to the form.</p> <p>2 A Fifth.</p> <p>3 Q Isn't it also true that Jeffrey Epstein</p> <p>4 has indicated to you that he will always engage</p> <p>5 in sex acts with underage minor females?</p> <p>6 MR. YAREMA: Object to the form.</p> <p>7 A Fifth.</p> <p>8 Q In fact, that's something that he has</p> <p>9 told you, that he believes he is entitled to do;</p> <p>10 isn't that right?</p> <p>11 MR. YAREMA: Object to the form.</p> <p>12 A Fifth.</p> <p>13 Q Isn't it true that Jeffrey Epstein</p> <p>14 believes and has told you that if he doesn't</p> <p>15 physically force the underage minor female into</p> <p>16 any act, then he is entitled to engage in sex</p> <p>17 with any underage minor female despite the age?</p> <p>18 MR. YAREMA: Object to the form.</p> <p>19 A Fifth.</p> <p>20 Q What is the youngest female you have</p> <p>21 witnessed or observed Jeffrey Epstein to engage</p> <p>22 in sex with?</p> <p>23 MR. YAREMA: Object to the form.</p> <p>24 A Fifth.</p> <p>25 Q Do you have a bank account at Chase Bank</p> |

16 (Pages 58 to 61)



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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>98</p> <p>1 A Fifth.</p> <p>2 Q Did you know that Jeffrey Epstein gave</p> <p>3 A.D. a digital camera?</p> <p>4 MR. YAREMA: Object to the form.</p> <p>5 A Fifth.</p> <p>6 MS. EZELL: I don't have any other</p> <p>7 questions. Thank you.</p> <p>8 MR. GOLDBERGER: You still have your</p> <p>9 microphone on. You must have something on</p> <p>10 your mind, Brad.</p> <p>11 REDIRECT EXAMINATION</p> <p>12 BY MR. EDWARDS:</p> <p>13 Q Ms. Marcinkova, through the whole day</p> <p>14 you've taken the Fifth on just about every single</p> <p>15 question. Is there any reason why we should not</p> <p>16 presume that the answer to these questions would</p> <p>17 incriminate you?</p> <p>18 MR. YAREMA: Object to the form.</p> <p>19 A The Fifth.</p> <p>20 Q The reason that you have taken the Fifth</p> <p>21 is because the questions you have been asked</p> <p>22 would have been answered in the affirmative and</p> <p>23 you're afraid of prosecution for your</p> <p>24 involvement, true?</p> <p>25 MR. GOLDBERGER: Don't answer that</p> | <p>100</p> <p>1 THE STATE OF FLORIDA)</p> <p>2 COUNTY OF PALM BEACH)</p> <p>3 I, TERRI BECKER, a Registered</p> <p>4 Professional Reporter and Notary Public for the</p> <p>5 State of Florida at Large, do hereby certify that</p> <p>6 I reported the videotaped deposition of NADIA</p> <p>7 MARCINKOVA, the WITNESS, called by the PLAINTIFF</p> <p>8 in the above-entitled action; that the witness</p> <p>9 was duly sworn by me; that the foregoing pages,</p> <p>10 numbered from 1 to 104, inclusive, constitute a</p> <p>11 true record of the deposition by said witness.</p> <p>12 I further certify that I am not attorney</p> <p>13 or counsel of any of the parties, nor a relative</p> <p>14 or employee of any attorney or counsel connected</p> <p>15 with the action, nor financially interested in</p> <p>16 the action.</p> <p>17 WITNESS MY HAND and official seal in the</p> <p>18 City of West Palm Beach, County of Palm Beach,</p> <p>19 State of Florida, this 19th day of April 2010.</p> <p>20  </p> <p>21 TERRI BECKER, Registered</p> <p>22 Professional Reporter and</p> <p>23 Notary Public, State of Florida</p> <p>24 at Large. My Commission expires</p> <p>25 March 13, 2011.</p> |
| <p>99</p> <p>1 question. It interferes with the</p> <p>2 attorney/client relationship that I have</p> <p>3 with Ms. Marcinkova and any discussions she</p> <p>4 and I may have had would come under that</p> <p>5 privilege.</p> <p>6 You can try and dance around that, but</p> <p>7 I'm simply not going to allow her to answer</p> <p>8 that question. If you want to bring it up</p> <p>9 with the Judge, you can.</p> <p>10 MR. EDWARDS: Thanks, Jack.</p> <p>11 MR. GOLDBERGER: Okay.</p> <p>12 THE VIDEOGRAPHER: Off the video record</p> <p>13 at 1:41 p.m.</p> <p>14 THE COURT REPORTER: You're ordering</p> <p>15 this, Brad?</p> <p>16 MR. EDWARDS: Yes. Copies?</p> <p>17 MS. EZELL: Yes.</p> <p>18 MR. YAREMA: Yes.</p> <p>19 THE COURT REPORTER: And Adam wanted it;</p> <p>20 is that right?</p> <p>21 MR. EDWARDS: Yes.</p> <p>22 (Time noted: 1:45 p.m.)</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                          | <p>101</p> <p>1 THE STATE OF FLORIDA)</p> <p>2 COUNTY OF PALM BEACH)</p> <p>3</p> <p>4</p> <p>5 The foregoing certificate was</p> <p>6 acknowledged before me this _____</p> <p>7 day of _____ 2010.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Notary Public, State of Florida.<br/>My commission No. _____<br/>Expires March 13, 2011.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

26 (Pages 98 to 101

# EXHIBIT 16

## (Filed Under Seal)

1 JANE DOE NO. 6, Case No: 08-CV-80994  
 2 Plaintiff,  
 3 Vs  
 4 JEFFREY EPSTEIN,  
 5 Defendant.

6 JANE DOE NO. 7, Case No: 08-CV-80993  
 7 Plaintiff,

8 Vs  
 9 JEFFREY EPSTEIN,  
 10 Defendant.

11 C.M.A., Case No: 08-CV-80811  
 12 Plaintiff,

13 Vs  
 14 JEFFREY EPSTEIN,  
 15 Defendant.

16 JANE DOE, Case No: 08-CV-80893  
 17 Plaintiff,

18 Vs  
 19 JEFFREY EPSTEIN,  
 20 Defendant.

21  
 22  
 23  
 24  
 25

1 VIDEOTAPED  
 2 DEPOSITION  
 3 of  
 4 ALFREDO RODRIGUEZ

5 taken on behalf of the Plaintiffs pursuant  
 6 to a Re-Notice of Taking Deposition (Duces Tecum)

7  
 8 ---  
 9  
 10 APPEARANCES:

11  
 12 MERMELSTEIN & HOROWITZ, P.A.  
 13 BY: STUART MERMELSTEIN, ESQ.  
 14 18205 Biscayne Boulevard  
 15 Suite 2218  
 16 Miami, Florida 33160  
 17 Attorney for Jane Doe 2, 3, 4, 5,  
 18 6, and 7.

19 ROTHSTEIN ROSENFELDT ADLER  
 20 BY: BRAD J. EDWARDS, ESQ., and  
 21 CARA HOLMES, ESQ.  
 22 Las Olas City Centre  
 23 Suite 1650  
 24 401 East Las Olas Boulevard  
 25 Fort Lauderdale, Florida 33301  
 Attorney for Jane Doe and E.W.  
 And L.M.

PODHURST ORSECK  
 BY: KATHERINE W. EZELL  
 25 West Flagler Street  
 Suite 800  
 Miami, Florida 33130  
 Attorney for Jane Doe 101 and 102.

1 JANE DOE NO. II, Case No: 08-CV-80469  
 2 Plaintiff,  
 3 Vs  
 4 JEFFREY EPSTEIN,  
 5 Defendant.

6 JANE DOE NO. 101, Case No: 09-CV-80591  
 7 Plaintiff,

8 Vs  
 9 JEFFREY EPSTEIN,  
 10 Defendant.

11 JANE DOE NO. 102, Case No: 09-CV-80656  
 12 Plaintiff,  
 13 Vs  
 14 JEFFREY EPSTEIN,  
 15 Defendant.

16

17  
 18 1031 Ives Dairy Road  
 19 Suite 228  
 20 North Miami, Florida  
 21 July 29, 2009  
 22 11:00 a.m. to 5:30 p.m.  
 23  
 24  
 25

1 APPEARANCES:

2  
 3 LEOPOLD-KUVIN  
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14 BURMAN, CRITTON, LUTTIER &  
 15 COLEMAN, LLP  
 16 BY: ROBERT CRITTON, ESQ.  
 17 515 North Flagler Drive  
 18 Suite 400  
 19 West Palm Beach, Florida 33401  
 20 Attorney for Jeffrey Epstein.

21 ALSO PRESENT:

22 JOE LANGSAM, VIDEOGRAPHER  
 23  
 24  
 25



1 written down anywhere?  
 2 A. No.  
 3 Q. It's my understanding that C. and T.  
 4 either came to his house alone to visit with Mr.  
 5 Epstein or brought other girls in their age group  
 6 to Mr. Epstein.  
 7 Were you familiar with that type of  
 8 recruitment process of girls bringing other girls?  
 9 MR. CRITTON: Form.  
 10 THE WITNESS: Yes.  
 11 BY MR. EDWARDS:  
 12 Q. Can you tell me more about what you know  
 13 about girls bringing other girls that are  
 14 relatively the same age to come to Jeffrey  
 15 Epstein's house and to use your words, have a good  
 16 time?  
 17 MR. CRITTON: Form.  
 18 THE WITNESS: It's hard to know who they  
 19 knew. But I think that was -- they feel  
 20 better themselves when they're in a group  
 21 than going by themselves, but I don't know  
 22 somebody recruiting.  
 23 BY MR. EDWARDS:  
 24 Q. Okay. And you've talked about, at least  
 25 referred to yourself I believe to the police and

1 for now we'll call it a massage -- as well as  
 2 anybody who brought that person over to the house,  
 3 they would both get paid cash. Are you familiar  
 4 with that?  
 5 MR. CRITTON: Form.  
 6 THE WITNESS: No.  
 7 BY MR. EDWARDS:  
 8 Q. If C. brought another girl over to the  
 9 house and C. stayed downstairs but this other girl  
 10 went upstairs with Mr. Epstein, which one would  
 11 you pay?  
 12 A. I don't know because I was told who to  
 13 pay.  
 14 Q. And Sarah Kellen always told you?  
 15 A. Sarah told me pay so and so.  
 16 Q. So if we were going to ask anybody else  
 17 about the exact method in terms of who would get  
 18 paid and for what, who would the people be? I  
 19 mean, other than Mr. Epstein who else could we ask  
 20 these questions?  
 21 A. Sarah.  
 22 Q. Sarah Kellen?  
 23 A. Yes.  
 24 Q. She would know this?  
 25 A. Yes.

1 as well today as a human ATM machine. Right?  
 2 MR. CRITTON: Form.  
 3 THE WITNESS: Something like that. I was  
 4 supposed to carry cash at all times.  
 5 BY MR. EDWARDS:  
 6 Q. One of the primary reasons why you  
 7 carried cash was to pay the girls in this age  
 8 group of C. and T. for whatever happened at the  
 9 house. Right?  
 10 MR. CRITTON: Form.  
 11 THE WITNESS: Yes.  
 12 BY MR. EDWARDS:  
 13 Q. That's a fair statement. Right?  
 14 MR. CRITTON: Form.  
 15 THE WITNESS: Yes.  
 16 BY MR. EDWARDS:  
 17 Q. Okay. And when C., let's use her for  
 18 example, would bring somebody else to the house,  
 19 did you pay C. as well as whomever she brought to  
 20 the house, pay them both?  
 21 A. No, I pay only one person.  
 22 Q. Okay. My understanding, and tell me if  
 23 this is wrong or you can corroborate this, is that  
 24 Mr. Epstein would pay the girl that was actually  
 25 performing whatever was happening in the room --

1 Q. What about Ghislaine Maxwell?  
 2 MR. CRITTON: Form.  
 3 THE WITNESS: You're talking about the  
 4 boss. I don't know.  
 5 BY MR. EDWARDS:  
 6 Q. To your knowledge was Ghislaine Maxwell  
 7 aware of these girls that are in the age group of  
 8 C. and T. coming to Jeffrey Epstein's house to  
 9 have a good time?  
 10 MR. CRITTON: Form.  
 11 THE WITNESS: I have to say something.  
 12 Mrs. Maxwell called me and told me not to  
 13 ever discuss or contact her again in a  
 14 threaten way.  
 15 BY MR. EDWARDS:  
 16 Q. When was this?  
 17 A. Right after I left because I call one of  
 18 the friends for a job and she told me this, but,  
 19 you know, I feel intimidated and so I want to keep  
 20 her out.  
 21 Q. What exactly did she say? First of all,  
 22 was this a telephone call?  
 23 A. Yes, she was in New York.  
 24 Q. She called you on your cell phone?  
 25 A. Yes.



1 Q. Is this the cell phone that was issued to  
 2 you by Mr. Epstein?  
 3 A. No, it was my personal phone. I was  
 4 already --  
 5 Q. Gone?  
 6 A. Yeah, this is three, four months down the  
 7 road.  
 8 Q. So if you left in --  
 9 A. February, March -- it was May or June.  
 10 Q. Of 2005?  
 11 A. Yes.  
 12 Q. And you got a call from Ghislaine Maxwell  
 13 out of the blue?  
 14 A. Yes.  
 15 Q. And do you know what prompted that  
 16 telephone call?  
 17 A. Because I contact somebody in New York to  
 18 get a job.  
 19 Q. Who was that person?  
 20 A. I contact Jean-Luc and I contact Eva, the  
 21 Swedish girl, she used to be very good friends  
 22 with Mr. Epstein because she asked me she need  
 23 somebody in New York.  
 24 Q. What does Eva do?  
 25 A. Eva was a model many years ago and he

1 precisely did she say?  
 2 A. She said I forbid you that you're going  
 3 to be -- that I will be sorry if I contact any of  
 4 her friends again.  
 5 Q. Okay. Other than you will be sorry if  
 6 you contact any of my friends again did she say  
 7 anything else about what you know about Mr.  
 8 Epstein and/or what goes on at his house?  
 9 A. She said something like don't open your  
 10 mouth or something like that. But you have to  
 11 understand, I'm a civil humble, I came as an  
 12 immigrant to service people, and right now you  
 13 feel a little -- I'm 55 and I'm afraid. First of  
 14 all, I don't have a job, but I'm glad this is on  
 15 tape because I don't want nothing to happen to me.  
 16 This is the way they treat you, better do this and  
 17 you shut up and don't talk to nobody and --  
 18 Q. When you say this is the way they treat,  
 19 who specifically are you talking about when you  
 20 say the word they?  
 21 A. Maxwell.  
 22 Q. And usually when you say the word they,  
 23 you're not only talking about one person --  
 24 A. Wealthy people.  
 25 Q. Are you also putting Jeffrey Epstein in

1 married -- Eva is the mother of the girl who was  
 2 on the wall.  
 3 Q. Who is on the wall of Mr. Epstein's  
 4 house?  
 5 A. Yeah.  
 6 Q. All right. There is a younger girl model  
 7 that's on the wall of Mr. Epstein's house and this  
 8 lady Eva is her mother?  
 9 A. Yes.  
 10 Q. And at some point in time you called her  
 11 in New York to get a job?  
 12 A. That's right.  
 13 Q. And you also called Jean-Luc Bernell?  
 14 That's his name. Right?  
 15 A. Jean-Luc, yeah, I don't remember his last  
 16 name.  
 17 Q. Does that sound familiar to you, Jean-Luc  
 18 Bernell?  
 19 A. Yeah.  
 20 Q. What did Eva and/or Jean-Luc say about  
 21 employing you?  
 22 A. No, they said they're going to find out  
 23 and obviously the first thing they did was talk to  
 24 Mrs. Maxwell.  
 25 Q. She made a telephone call to you and what

1 that category?  
 2 MR. CRITTON: Form.  
 3 THE WITNESS: I didn't talk to him  
 4 directly most of the time.  
 5 BY MR. EDWARDS:  
 6 Q. What's the reason why if you were his  
 7 head of security that you wouldn't have more  
 8 direct contact with him? Why is that?  
 9 MR. CRITTON: Form.  
 10 THE WITNESS: He wanted that way, you  
 11 know, so, yeah, I have to talk to Sarah,  
 12 Sarah is not available talk to Lesley in New  
 13 York. He didn't want to be disturbed.  
 14 BY MR. EDWARDS:  
 15 Q. Even while you were in the same house  
 16 with him he still had other people you could talk  
 17 to directly but he was not one of them?  
 18 A. Yeah.  
 19 Q. When you were fired you were not fired  
 20 directly by him?  
 21 A. No.  
 22 Q. It was through somebody else?  
 23 A. Ms. Maxwell.  
 24 Q. Okay. But it was for upsetting him for  
 25 taking the wrong car?



1 A. Yes.  
 2 Q. Okay. Ever since this communication that  
 3 Ms. Maxwell made to you where she called you  
 4 sometime in May or June of 2005, and have you felt  
 5 threatened?  
 6 A. Yes.  
 7 MR. CRITTON: Form.  
 8 BY MR. EDWARDS:  
 9 Q. Have you felt reluctant to come forward  
 10 and give truthful, honest, and full disclosure of  
 11 all information that you know about this case?  
 12 MR. CRITTON: Form.  
 13 THE WITNESS: I said this off the record  
 14 but I will say it on the record, being in  
 15 the Epstein case for me resulted in two  
 16 years I have -- I won't bring the names but  
 17 I was in the third interview to get hired as  
 18 a household manager in Palm Beach and they  
 19 told me you are the Jeffrey Epstein guy.  
 20 Not in the sense I did something wrong  
 21 because of the scandal, so they shun the job  
 22 away from me. And so I was afraid that --  
 23 this is very powerful people and one phone  
 24 call and you finish, so I'm the little guy.  
 25 Even I'm wearing a tie I'm a -- I'm talking

1 this. Because I went through -- the first  
 2 time I went to the deposition I was in Palm  
 3 Beach and I did my duty, I mean, I tell what  
 4 I know, but now I know there is more  
 5 digging, all I want is this to be to get on  
 6 with my normal life and stuff.  
 7 BY MR. EDWARDS:  
 8 Q. So when you come here today to testify,  
 9 your main objective is to get back to your normal  
 10 life and get out of the spotlight of this case.  
 11 Yes?  
 12 A. Yes.  
 13 Q. And in doing so have you held back some  
 14 of the details that you know about that happened  
 15 in this case to remove yourself from the  
 16 spotlight?  
 17 MR. CRITTON: Form.  
 18 THE WITNESS: No, sir.  
 19 BY MR. EDWARDS:  
 20 Q. Okay. Have you ever talked to Ghislaine  
 21 Maxwell after that telephone call where she called  
 22 you and you felt threatened?  
 23 A. No.  
 24 Q. Okay. So going back to where we started  
 25 here was, does Ghislaine Maxwell have knowledge of

1 from my heart. This is the way it is.  
 2 BY MR. EDWARDS:  
 3 Q. I feel for you, I'm sorry that you have  
 4 to be in this position.  
 5 MR. CRITTON: Move to strike this.  
 6 BY MR. EDWARDS:  
 7 Q. Well, when you applied for these jobs and  
 8 they turned you down and gave you the reason that  
 9 you're the person involved in the Jeffrey Epstein  
 10 scandal, was it that they are associated or  
 11 friends with Jeffrey Epstein or is it that you  
 12 have information and you have this confidentiality  
 13 but you're revealing some certain information that  
 14 Mr. Epstein would not like?  
 15 MR. CRITTON: Form.  
 16 THE WITNESS: Both.  
 17 BY MR. EDWARDS:  
 18 Q. Both?  
 19 A. Both.  
 20 Q. And since then given what you just told  
 21 us about these people being very powerful, are you  
 22 afraid for your life given the fact that you're  
 23 involved to some extent in this case?  
 24 MR. CRITTON: Form.  
 25 THE WITNESS: I just start thinking about

1 the girls that would come over to Jeffrey  
 2 Epstein's house that are in roughly the same age  
 3 group as C. and T. and to have a good time as you  
 4 put it?  
 5 MR. CRITTON: Form.  
 6 THE WITNESS: Yes.  
 7 BY MR. EDWARDS:  
 8 Q. And what was her involvement and/or  
 9 knowledge about that?  
 10 MR. CRITTON: Form.  
 11 THE WITNESS: She knew what was going on.  
 12 BY MR. EDWARDS:  
 13 Q. You referred to her at one point in time  
 14 as Jeffrey Epstein's companion. But then later on  
 15 you said that if she flew she flew on a different  
 16 airplane and oftentimes or sometimes she slept in  
 17 a different bed from Mr. Epstein. Did that seem  
 18 unusual to you?  
 19 MR. CRITTON: Form.  
 20 THE WITNESS: It was odd but, I mean, and  
 21 again, everything is odd in Palm Beach.  
 22 BY MR. EDWARDS:  
 23 Q. Okay, I don't mean to laugh.  
 24 A. Mr. Epstein fly to Jet Aviation, she fly  
 25 to Galaxy Aviation, but they never flew the same



1 BY MR. LANGINO:  
 2 Q. Are you currently in fear of Mr. Epstein?  
 3 A. Not at this particular moment but it's  
 4 something I have to be worry about, yes.  
 5 Q. Are you personally afraid of criminal  
 6 prosecution?  
 7 A. No.  
 8 Q. Do you believe that you did anything  
 9 illegal?  
 10 A. Illegal, no.  
 11 MR. LANGINO: I have no further  
 12 questions. Thank you.  
 13 MR. CRITTON: We're going to break in  
 14 about 15 minutes. Do you want to start and  
 15 go for 15 minutes or do you want to -- it's  
 16 up to you.  
 17 MS. EZELL: I'll start.  
 18 MR. WILLITS: When are we going to quit,  
 19 folks?  
 20 MR. CRITTON: In 15 minutes.  
 21 THE VIDEOGRAPHER: Might as well change  
 22 tapes.  
 23 MR. EDWARDS: Bob has to get back so  
 24 we've agreed we're going to come back some  
 25 other time.

1 THE STATE OF FLORIDA, )  
 2 COUNTY OF DADE. )  
 3  
 4  
 5 I, the undersigned authority, certify  
 6 that ALFREDO RODRIGUEZ personally appeared before  
 7 me on the 29th day of July, 2009 and was duly  
 8 sworn.  
 9

10 WITNESS my hand and official seal this  
 11 31st day of July, 2009.  
 12  
 13  
 14  
 15

\_\_\_\_\_  
 MICHELLE PAYNE, Court Reporter  
 Notary Public - State of Florida

1 MR. WILLITS: Why don't we just stop now?  
 2 MS. EZELL: Okay.  
 3 MR. EDWARDS: Rather than you start.  
 4 MS. EZELL: Yeah, I won't get very far.  
 5 MR. EDWARDS: Sorry to do this with you,  
 6 we didn't finish.  
 7 MR. CRITTON: So we're stopped?  
 8 MR. EDWARDS: We're stopped.  
 9 THE VIDEOGRAPHER: Off the record.  
 10 (Thereupon, the videotaped deposition was  
 11 adjourned at 5:30 p.m.)  
 12 - - -  
 13  
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 20  
 21  
 22  
 23  
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 25

# 1 CERTIFICATE

2 The State Of Florida, )  
 3 County Of Dade. )  
 4

5 I, MICHELLE PAYNE, Court Reporter and  
 6 Notary Public in and for the State of Florida at  
 7 large, do hereby certify that I was authorized to  
 8 and did stenographically report the videotaped  
 9 deposition of ALFREDO RODRIGUEZ; that a review of  
 10 the transcript was requested; and that the  
 11 foregoing pages, numbered from 1 to 269,  
 12 inclusive, are a true and correct transcription of  
 13 my stenographic notes of said deposition.

14 I further certify that said videotaped  
 15 deposition was taken at the time and place  
 16 hereinabove set forth and that the taking of said  
 17 videotaped deposition was commenced and completed  
 18 as hereinabove set out.

19 I further certify that I am not an  
 20 attorney or counsel of any of the parties, nor am  
 21 I a relative or employee of any attorney or  
 22 counsel of party connected with the action, nor am  
 23 I financially interested in the action.

24 The foregoing certification of this  
 25 transcript does not apply to any reproduction of  
 the same by any means unless under the direct  
 control and/or direction of the certifying  
 reporter.

DATED this 31st day of July, 2009.

\_\_\_\_\_  
 MICHELLE PAYNE, Court Reporter

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_ /

**PLAINTIFF'S RESPONSE IN OPPOSITION TO  
DEFENDANT'S SECOND MOTION TO COMPEL AND FOR SANCTIONS**

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Plaintiff Virginia Giuffre (“Ms. Giuffre”), by and through her undersigned counsel, hereby files this Response in Opposition to Defendant’s Motion to Compel and her baseless Motion for Sanctions (DE 354).

## **I. INTRODUCTION**

For the third time, Defendant attempts to elevate a routine discover dispute into something over which she seeks sanctions, despite the complete lack of a basis for sanctions and a complete lack of case law supporting her request.<sup>1</sup> All three of Defendant’s requests for sanctions have been frivolous, legally unreasonable, without factual foundation, and for an improper purpose. Rule 11 provides for the imposition of sanctions in those circumstances. *See Elghanian v. Schachter*, 1997 WL 607546, at \*2 (S.D.N.Y. 1997) (Sweet, J.)

Indeed, in Defendant’s entire “argument” for sanctions, she only cites one case - a case from the District of the District of Columbia - for the proposition that Plaintiff should be sanctioned because her interrogatory responses were unsigned.<sup>2</sup> However, ***Defendant’s interrogatory responses are also unsigned.*** Defendant’s thirty-seven page brief is riddled with these half-truths in a grasping attempt to distort reality as the documentary and testimonial evidence piles up against her. By Defendant’s logic, Ms. Giuffre should have already moved for sanctions against Defendant for Defendant’s unsigned interrogatories, but unlike Defendant, Ms. Giuffre would not burden the Court with a frivolous request for sanctions.

## **II. DEFENDANT’S ENTIRE MOTION SHOULD BE DENIED**

Defendant’s motion violates Local Rule 37.1, and should be denied for that reason before the Court even reaches the merits. Local Rule 37.1 states that, “upon any motion or application

---

<sup>1</sup> Defendant’s first baseless request for sanctions was improperly raised in a response brief (DE 228) to a routine motion for extension of time - a motion this Court granted (June 23, 2016, Minute Order). Defendant’s second baseless request (DE 231) centered on the fact that Ms. Giuffre listed her physicians in response to interrogatories instead of in her Rule 26 disclosures.

<sup>2</sup> Ms. Giuffre has signed her amended interrogatories, and has served them on Defendant.

involving discovery or disclosure requests or responses under Fed. R. Civ. P. 37, the moving party shall specify and quote or set forth verbatim *in the motion papers* each discovery request and response to which the motion or application is addressed.” For the majority of discovery items upon which Defendant moves, Defendant has wholly failed to do this. Instead, Defendant edits out a great deal of Ms. Giuffre’s answers and objections to the interrogatories, skipping entire data sets put forth in response to the interrogatories, and skipping Ms. Giuffre most cogent objections.

This is improper conduct. Upon a motion to compel, a Court is called upon to evaluate the discovery requests *as well as the responses and objections*. Local Rule 37.1 is designed to protect against the exact type of self-serving editing of the opposing party’s objections that Defendant has done in this brief. Accordingly, the Court should deny Defendant’s motion in its entirety for failure to comply with Local Rule 37.1. *See Blodgett v. Siemens Industry, Inc.*, 2016 WL 4203490, at \*1 (E.D.N.Y., 2016) (denying motion without prejudice for failure to comply with Local Rule 37.1 (which is the same rule in the Eastern District of New York)).

### **III. MOTION TO COMPEL RESPONSES TO INTERROGATORIES SHOULD BE DENIED**

#### **A. Interrogatory No. 5**

1. Ms. Giuffre’s Counsel’s Communications With the Media Are Outside the Scope of Rule 26 and Any Attempt at Collection Would be Unduly Burdensome

Interrogatory No. 5 seeks a catalogue of Ms. Giuffre *and her counsel’s* communications with the media, broadly defined, and without limitation of time or subject matter. First, the interrogatory request should be denied because Ms. Giuffre already produced her communications with the media, which included production of close to 200 e-mails. Despite having these key communications, Defendant is now pushing for all communications that any of

her counsel ever had with any media without any time or subject matter limitation. The search for, and production of, all communications involving her counsel and the media is unduly burdensome and wholly irrelevant. Given the nature of Ms. Giuffre's counsel's practices, the media reach out to Ms. Giuffre's counsel frequently, regarding a number of issues, and none of Ms. Giuffre's counsel catalogue or record any of these communications. Complete retrieval would be inordinately burdensome. Even Defendant's more limited request put forth in the instant motion seeking communications with the media regarding this case is overly broad. This would require a marshaling of enormous resources, and under Rule 26(b)(1), there is no need expressed by Defendant to justify this heavy burden. Notably, Defendant has deposed Ms. Giuffre in detail on topics relating to media inquiries and she also has of Ms. Giuffre's e-mail communications with the media produced by Ms. Giuffre. This request should be denied on these grounds alone.

Though she claims Ms. Giuffre's counsel's communications with the media somehow go to her defenses, tellingly, Defendant fails to explain how they do, or put forth any case law in support this proposition. Additionally, there's no explanation (or case law) as to how any such communications could go to Defendant's damages. Defendant does not explain and does not elaborate. Defendant has failed to articulate relevance or any supporting case law for this discovery, and the request should be denied for this reason as well.

2. Defendant is Already in Possession of Ms. Giuffre's Communications With the Media

Regarding Ms. Giuffre's communications with the media, Defendant already has them. And, importantly, Defendant didn't have to hunt and peck for these communications, as she is trying to lead the Court to believe. Ms. Giuffre's communications with the media consist of email communications between Ms. Giuffre and Sharon Churcher, and Ms. Giuffre and Jarred

Weissfeld. The overwhelming majority of them were produced in her second rolling production and continued on a rolling basis through the fifth production (all of which were small productions). Specifically, there are approximately 175 of these documents, and all were produced within a narrow Bates range.<sup>3</sup> Defendant had knowledge of these documents as soon as Ms. Giuffre produced them. Moreover, these documents are featured in Defendant's briefs, Defendant issued subpoenas to both Sharon Churcher and Jarred Weissfeld months ago, and Defendant has deposed Ms. Giuffre about her media contacts. *See* McCawley Decl. at Composite Exhibit 1, Defendant's May 31, 2016, Subpoenas to Churcher and Weissfeld.

Yet, Defendant cited a number of cases wherein discovery was buried amid voluminous productions so as to be hidden or to cause delayed or cumbersome discovery of them. They are inapposite. Defendant didn't have to "comb through literally thousands of pages of documents" to "find" these. Again, they were presented to Defendant in small production batches, starting with the second production. Moreover, Defendant can gather all of these documents via an electronic search with a simple keystroke.

By suggesting to the Court that Ms. Giuffre's communications with the media were somehow hidden or buried in her production, Defendant makes an argument in bad faith. Indeed, Defendant's argument is tantamount to making a false representation to the Court.

Finally, all of these communications were email communications. So, on their face, they tell Defendant "the date of any such Communication;" "the form of any such Communication, whether oral or written and if written, the format of any such Communication;" "the identities of all the persons involved in such Communication" (this is revealed from the to/from/cc lines); and the other data. Defendant also knows, very well, the identities of the individuals involved

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<sup>3</sup> These communications were produced at Giuffre003191-4274; Giuffre004275-4301; Giuffre004302-4371; Giuffre004372-4746; Giuffre004747-5092.

(including the identity of the organization with which they are affiliated), particularly as the communicators each received one of Defendant's subpoenas.

At the end of the day, the only thing Ms. Giuffre could do to answer this any more than she already has is to go through the burdensome and redundant exercise of writing down, for each of the approximately 175 emails, (1) the fact that it is an email; (2) what name appears in the "to" field; (3) what name appears in the "from" field; (4) what name appears in the "cc" field; and (5) what date appears on the email. Ms. Giuffre submits to the Court that making such a catalogue is a redundant exercise that is not appropriate under Rule 26(b)(1) which, under the 2015 amendment, takes into account "the parties' relative access to relevant information." Ms. Giuffre also submits to the Court that moving to compel Ms. Giuffre to make such a list based on documents she already produced to the Defendant is frivolous and a waste of resources.

**B. Interrogatory No. 6**

Defendant's Interrogatory No. 6 seeks any "false statements" attributed to Defendant that were published. Defendant also seeks the date, place, and form of publication, publishing entity, the URL address, etc., of all such statements. Ms. Giuffre knows, with certainty, of certain statements made by Defendant, and, together, they are the subject of this action. Ms. Giuffre made a listing of various websites that published those statements in response to this interrogatory. This compilation was part of Ms. Giuffre's interrogatory answer that Defendant misleadingly omits from her motion in violation of Local Rule 37.1. Based upon Ms. Giuffre's answer, there is nothing else to compel. Yet, Defendant moves to compel answers that Ms. Giuffre does not have.

Specifically, Ms. Giuffre does not have the knowledge (and certainly does not have the documents relating to) every time Defendant may have defamed her. That is information that lies solely in the possession of the Defendant. Indeed, Ms. Giuffre sought this very information from



Defendant in her Requests Nos. 17 and 18, in which she requested documents “concerning any statement made by You or on Your behalf to the press or any other group or individual, including draft statements, concerning Ms. Giuffre, by You, Ross Gow, or any other individual, from 2005 to the present, including the dates of any publications, and if published online, the Uniform Resource Identifier (URL) address” and “all documents concerning which individuals or entities You or Your agents distributed or sent any statements concerning Ms. Giuffre referenced in Request No. 17 made by You or on Your behalf.” Defendant objected to these requests and refused to produce any documents. Ms. Giuffre’s motion to compel is pending.

As stated above, Ms. Giuffre knows that Defendant defamed her through the statement issued on her behalf by Ross Gow, and she knows Defendant defamed her when she affirmed that statement on video the next day in New York. But, she doesn’t know all Defendant’s defamatory statements, nor does she know where Defendant made them, or to whom she issued them. Defendant is trying to turn logic on its head with this request which, essentially, says: “You tell *me* the people to whom I have sent my own defamatory statements.” Indeed, Defendant’s own language belies her argument. In the instant brief, Defendant says: “The interrogatory required Plaintiff, among other things, to provide each “exact false statement” that she attributes to Ms. Maxwell and that was published anywhere in the world.” How Ms. Giuffre can know every person to whom Defendant made defamatory statements is unexplained. For example, if Defendant took her defamatory statements to a media outlet that chose not to publish them, there is no way for Ms. Giuffre to know that. The only person who knows the full extent of Defendant’s defamation of Ms. Giuffre is defendant, which is why Ms. Giuffre sent her a request for the same information.

However, to make a good faith effort of a response, Ms. Giuffre compiled many examples of Defendant's defamation, examples that were absent from Defendant's brief, in contravention of Rule 37.1:

| Date            | Nature             | Publishing Entity  | Statement/URL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------|--------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| January 2, 2015 | Internet           | Ross Gow           | <p>Jane Doe 3 is Virginia Roberts - so not a new individual. The allegations made by Victoria Roberts against Ghislaine Maxwell are untrue. The original allegations are not new and have been fully responded to and shown to be untrue.</p> <p>Each time the story is re told it changes with new salacious details about public figures and world leaders and now: it is alleged by Ms. Roberts that Alan Dershowitz is involved in having sexual relations with her, which he denies.</p> <p>Ms. Roberts's claims are obvious lies and should be treated as such and not publicized as news, as they are defamatory,</p> <p>Ghislaine Maxwell's original response to the lies and defamatory claims remains the same. Maxwell strongly denies allegations of an unsavoury nature, which have appeared in the British press and elsewhere and reserves her right to seek redress at the repetition of such old defamatory claims.</p> |
| January 3, 2015 | Internet           | Telegraph          | <a href="http://www.telegraph.co.uk/news/uknews/theroyalfamily/11323872/Prince-Andrew-denies-having-relations-with-sex-slave-girl.html">http://www.telegraph.co.uk/news/uknews/theroyalfamily/11323872/Prince-Andrew-denies-having-relations-with-sex-slave-girl.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| January 4, 2015 | Internet           | Express            | <a href="http://www.express.co.uk/news/world/550085/Ghislaine-Maxwell-Jeffrey-Epstein-not-madam-paedophile-Florida-court-case-Prince-Andrew">http://www.express.co.uk/news/world/550085/Ghislaine-Maxwell-Jeffrey-Epstein-not-madam-paedophile-Florida-court-case-Prince-Andrew</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| January 3, 2015 | Internet           | Daily Mail         | <a href="http://www.dailymail.co.uk/news/article-2895366/Prince-Andrew-lobbied-government-easy-Jeffrey-Epstein-Palace-denies-claims-royal-tried-use-influence-help-billionaire-paedophile-2008-police-probe.html">http://www.dailymail.co.uk/news/article-2895366/Prince-Andrew-lobbied-government-easy-Jeffrey-Epstein-Palace-denies-claims-royal-tried-use-influence-help-billionaire-paedophile-2008-police-probe.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| January 3, 2015 | Internet           | Huffington Post    | <a href="http://www.huffingtonpost.co.uk/2015/01/03/duke-of-york-sex-abuse-claims_n_6409508.html">http://www.huffingtonpost.co.uk/2015/01/03/duke-of-york-sex-abuse-claims_n_6409508.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| January 4, 2015 | Internet           | Jewish News Online | <a href="http://www.jewishnews.co.uk/dershowitz-nothing-prince-andrews-sex-scandal/">http://www.jewishnews.co.uk/dershowitz-nothing-prince-andrews-sex-scandal/</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| January 2, 2015 | Internet           | Bolton News        | <a href="http://www.theboltonnews.co.uk/news/national/11700192.Palace_denies_Andrew_sex_case_claim/">http://www.theboltonnews.co.uk/news/national/11700192.Palace_denies_Andrew_sex_case_claim/</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| January 5, 2015 | Internet/Broadcast | NY Daily News      | <a href="http://www.nydailynews.com/news/world/alleged-madame-accused-supplying-prince-andrew-article-1.2065505">http://www.nydailynews.com/news/world/alleged-madame-accused-supplying-prince-andrew-article-1.2065505</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|                 |                        |        |                                                                                                                                                                                                                                 |
|-----------------|------------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| January 5, 2015 | Internet/<br>Broadcast | AOL UK | <a href="http://www.aol.co.uk/video/ghislaine-maxwell-declines-to-comment-on-prince-andrew-allegations-518587500/">http://www.aol.co.uk/video/ghislaine-maxwell-declines-to-comment-on-prince-andrew-allegations-518587500/</a> |
|-----------------|------------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Ms. Giuffre recently updated this response to include an additional URL containing defamatory content:

|                 |          |         |                                                                                                                                                                                                                                                                                                                                               |
|-----------------|----------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| January 8, 2015 | Internet | The Sun | <a href="https://www.thesun.co.uk/archives/news/6754/prince-andrews-pal-ghislaine-groped-teen-girls/?CMP=spklr-128508300-Editorial-TWITTER-TheSunNewspaper-20150108-News">https://www.thesun.co.uk/archives/news/6754/prince-andrews-pal-ghislaine-groped-teen-girls/?CMP=spklr-128508300-Editorial-TWITTER-TheSunNewspaper-20150108-News</a> |
|-----------------|----------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Spending hours trolling the Internet for additional examples of entities that have published Defendant's defamatory statements is not appropriate under Rule 26(b)(1), which takes into account "whether the burden or expense of the proposed discovery outweighs the likely benefit." Here, scouring the Internet for additional examples of the publication of the defamatory statements that are already known (and, illogically, for those that are unknown) is not an appropriate discovery request.

If Defendant would respond to Ms. Giuffre's requests, Ms. Giuffre would be able to answer this interrogatory in full. Only Defendant has access to a comprehensive list of her defamatory statements and of the outlets to which she distributed them. Indeed, as the Court knows from the documents it reviewed *in camera* and found were not privileged, Defendant and Dershowitz were regularly communicating regarding how best to attack Ms. Giuffre.

Accordingly, the Court should deny Defendant's motion

### **C. Interrogatory No. 7**

This interrogatory seeks a catalogue of all of defamatory statements made against Ms. Giuffre. This Interrogatory calls for a legal conclusion as to what statements constitute "defamation," and is, thus, improper, particularly as it is not limited to what has already been determined to be defamatory. Specifically, this interrogatory calls for Ms. Giuffre to search for

any statements made about her, throughout the internet and other sources, and determine whether or not they constitute defamation. Accordingly, this request is overly broad. *See* December 29, 2005 Discovery Order, *American Civil Liberties Union, et. al. v. Alberto R. Gonzales*, No. 98--5591, at p. 6 (E.D. Pa. Dec. 29, 2005) (“I find that interrogatory P is over-broad because it is not limited to speech defendant has already determined to be ‘harmful to minors’ under COPA but appears to command defendant to search for all speech over the entire internet and determine whether it is harmful to minors. As a result, defendant need not response to plaintiffs’ interrogatory P.”), at McCawley Decl. at Exhibit 2, for ease of reference.

Alan Dershowitz is the only other known person to defame Ms. Giuffre. As with Interrogatory No. 5, there is no way for Ms. Giuffre to know the full extent of Alan Dershowitz’s defamation of her. She knows that he has called her a “prostitute” and a “bad mother” during his press conferences. *See* McCawley Decl. at Exhibit 3, Local 10 News article dated January 22, 2015. But, Ms. Giuffre does not know the full extent of Alan Dershowitz’s defamation, nor has she conducted legal analysis regarding any such defamation.

Any party could attempt a Google search of such things to locate certain sources on the internet, but that is not what is contemplated by Rule 26(b)(1), Federal Rules of Civil Procedure, as such an exercise is unduly burdensome, and such information is well outside of Ms. Giuffre’s possession, custody, and control. Moreover, only Alan Dershowitz (Defendant’s joint defense partner) knows the comprehensive list of his defamatory statements and of the outlets to which he distributed them. Rule 26(b)(1) limits the scope of discovery based on an evaluation of “the parties’ relative access to relevant information.” As Dershowitz himself has admitted, he is actively involved with Defendant in this litigation. Defendant’s access to this information relative to Ms. Giuffre’s is unparalleled. It is unduly burdensome for Ms. Giuffre to troll the

internet for any instances of Dershowitz defaming her. He is not a party to this action. And, Ms. Giuffre's single count of defamation does not allege in facts in relation to Dershowitz. Accordingly, the Court should deny Defendant's motion.

**D. Interrogatory No. 8**

Defendant seeks a list of all the individuals to whom Epstein trafficked Ms. Giuffre. Under Local Rule 33.3 interrogatories "may only be served (1) if they are a more practical method of obtaining the information sought than a request for production or a deposition, or (2) if ordered by the Court." Defendant has already lit upon "a more practical method of obtaining the information sought." She asked Ms. Giuffre for this information in her deposition. Moreover, Dershowitz, Defendant's joint defense partner, asked for this information when he took her deposition, and Ms. Giuffre produced that deposition transcript to Defendant.

This request is redundant, as this information has already been sought and Ms. Giuffre responded to questions at her May 3, 2016, deposition. *See, e.g.*, May 3, 2016, Giuffre Dep. Tr. at 192-193, 200; 14; 191-193; 193-194; 201-202; 2020-203; 204; January 16, 2016, Giuffre Dep. Tr. at 15; 34; 50-51; 24; 41; 45; 51-54; 6; 38; 24-25; 18-19; 21; 61; 17-18; 20-21; 33; 18; 15-16; and 21.

**E. Interrogatory No. 13**

1. Ms. Giuffre Has Answered Interrogatory No. 13 Completely

As discussed above, Defendant's entire motion violates Local Rule 37.1, but she does so most egregiously here. This interrogatory seeks Ms. Giuffre's health care provider for any physical, mental, or emotional condition, prior to the Defendant's defamation. Defendant does not include Ms. Giuffre's hard-won and fulsome answer, which includes a bevy of providers going back many years. The reason for Defendant's Rule violation with regard to this

interrogatory is quite obvious, and done in bad faith. Ms. Giuffre listed every physician known to her. The list is extensive. It looked like this:

“Health Care Providers known to Ms. Giuffre who may have provided treatment subsequent to the defamation are as follows<sup>4</sup>:

- **Dr. Steven Olson,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Chris Donohue,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Peter Del Mar,** [REDACTED]  
[REDACTED]  
[REDACTED]
- **St. Thomas More Hospital,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Ms. Judith Lightfoot,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

<sup>4</sup> Health care providers known to have provided treatment both prior to and subsequent to Defendant’s January 3, 2015 defamation of Ms. Giuffre are listed in the supplemental responses for both Interrogatories 12 and 13. There may be additional crossover of providers that have treated Ms. Giuffre prior to the defamation, listed in the supplemental response to Integratory 13, who also provided treatment subsequent to the defamation. Ms. Giuffre reserves the right to revise, amend, and supplement her response to Interrogatory No. 12 with providers listed in her supplemental response to Interrogatory 13 if and when she becomes aware of any additional crossover.



- **Medicare Australia** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Rauf Yousaf,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **CVS Pharmacy** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Walgreens Pharmacy** [REDACTED]  
[REDACTED]  
[REDACTED]

“Health Care Providers known to Ms. Giuffre who may have provided treatment prior to the defamation are as follows<sup>5</sup>:

- **Dr. John Harris** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Darshanee Majaliyana** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. K. L. Lee** [REDACTED]  
[REDACTED]

---

<sup>5</sup> Health care providers known to have provided treatment both prior to and subsequent to Defendant’s January 3, 2015 defamation of Ms. Giuffre are listed in the supplemental responses for both Interrogatories 12 and 13. There may be additional crossover of providers that have treated Ms. Giuffre subsequent to the defamation, listed in the supplemental response to Interrogatory 12, who also provided treatment prior to the defamation. Ms. Giuffre reserves the right to revise, amend, and supplement her response to Interrogatory No. 13 with providers listed in her supplemental response to Interrogatory 12 if and when she becomes aware of any additional crossover.

[REDACTED]  
[REDACTED]  
[REDACTED]

- **Dr. M. Sellathurai** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Carol Hayek,** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Ahmed El Moghazi,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Stephen Edmond,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Campbelltown Hospital,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Westmead Hospital,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Ms. Judith Lightfoot,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Royal Oaks Medical Center,** [REDACTED]  
[REDACTED]  
[REDACTED]

- **Dr. Mona Devanesan,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Karen Kutikoff** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Wellington Imaging Associates** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Ranjit Thind,** [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]
- **Medicare Australia** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Dr. Wah Wah San,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **CVS Pharmacy** [REDACTED]  
[REDACTED]  
[REDACTED]
- **Walgreens Pharmacy** [REDACTED]  
[REDACTED]  
[REDACTED]

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<sup>6</sup> In addition, counsel for Ms. Giuffre made multiple phone calls to potential medical records custodians in an attempt to locate Dr. Kutikoff's records. These efforts were unsuccessful.

<sup>7</sup> On information and belief, this occurred after 1999 and prior to the January 3, 2015 defamation. Based on the uncertainty of the exact date, Ms. Giuffre reserves the right to revise, amend, and supplement her responses to Interrogatories 12 and 13.

<sup>8</sup> Records from Medicare Australia are generally limited to 3 years. Ms. Giuffre is continuing to pursue additional records from prior to July 19, 2013 through their offices in Australia.

<sup>9</sup> Ms. Giuffre has now identified Dr. Wah Wah San and Dr. Wah San to be the same provider to the best of her knowledge. She had previously listed both names.

Additionally, since Ms. Giuffre served this answer, she has learned of three other physicians who may have treated her, and have served Defendant with that information:

- **Dr. Timothy D. Hartwig, D.O.** was identified in records produced by CVS pharmacy. Ms. Giuffre has requested those records, *see* GIUFFRE008346-8348.
- **Dr. James T. Nichols, M.D.** was identified in records produced by CVS pharmacy. Ms. Giuffre has requested those records, *see* GIUFFRE008349-8351.
- **Dr. Rodolfo Torres Jr., M.D.** was identified in records produced by CVS pharmacy. Ms. Giuffre has requested those records, *see* GIUFFRE008352-8354.

Local Rule 37.1 exists for a reason. These answers are nowhere in Defendant's brief. Ms. Giuffre is not withholding any medical records after 1999, including her pediatric records. The Court should deny Defendant's request.

2. This Court Has Already Ruled Against Defendant on Pre-1999 Medical Records, so Defendant is Estopped From Bringing This Argument regarding Interrogatory No. 13

Defendant makes another argument bad faith. Defendant tries to argue - to the very Court that held otherwise - that medical records are discoverable prior to 1999. That is false. That was not the Court's holding. The Court already, and specifically, rejected Defendant's argument:

MS. MENNINGER: Your Honor, the next topic are plaintiff's medical records.

THE COURT: I think I understand that. There is one thing, though. Are there any pre '99 medical records?

MS. MENNINGER: Your Honor, the case law is quite clear that injuries that were preexisting --

THE COURT: I'm sorry. Excuse me. Go ahead.

MS. MENNINGER: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

THE COURT: What's the basis of your statement that we will call it the flashback?

MS. MENNINGER: Your Honor, I believe --

THE COURT: Because, quite frankly, I was unaware of that. Is that my error? Are you telling me something that's not quite right?

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THE COURT: . . . The medical records of the period '99 to 2002 will be produced and the plaintiff will indicate whether that production is complete or, if it isn't complete, when it will be complete.

As for the pre-'99 medical records, based on where we are at the moment, I do not believe that those are relevant. Because the damage issue relates, in my view, solely to the defamation. If that changes in any way, I will revisit that issue.

April 21, 2106 Hr. Tr. at 11:15-12:25; 20:17-25.

Nothing since the hearing has changed. Ms. Giuffre has not added a claim or a new category of damages or made any representations concerning her pre-1999 medical history. The Court has heard Defendant's argument, and correctly rejected it. Defendant puts forth no new argument or facts that should disturb this ruling.

Defendant tries to argue that she only wants the "names" of the physicians, and not the records. This argument is fatally flawed. The names of Ms. Giuffre's physicians are necessarily part of her medical records. Additionally, the identity of a physician's name also gives information regarding the type of medical treatment Ms. Giuffre received, particularly if that physician is specialist or works within a certain field.

████████████████████████████████████████████████████████████████████████████████  
████████████████████████████████████████████████████████████████████████████████  
████████████████████████████████████████████████████████████████████████████████  
██████████ The tail is already wagging the dog regarding Ms. Giuffre’s search for, and production of, her medical records from 1999 to the present, the overwhelming majority of which are not at all relevant to this defamation case. Again, this Court held that Ms. Giuffre does not have to disclose her pre-1999 medical records, and Defendant gives no reason to disturb that ruling. Defendant is thus estopped from making this argument.

3. Interrogatory No. 13 is Disallowed Under New York Law

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████████████████████████████████████████████████████████████████████████████████ Being granted some medical discovery is not unlimited under New York law. *See, e.g., Manassis v. New York City Dep’t of Transp.*, No. 02 CIV. 359SASDF, 2002 WL 31115032, at \*2 (S.D.N.Y. Sept. 24, 2002) (concluding that “ability to pursue discovery regarding [plaintiff’s] medical records should be limited in some manner”); *Evanko v. Electronic Systems Assoc., Inc.*, No. 91 Civ. 2851, 1993 WL 14458 at \*2 (S.D.N.Y. Jan. 8, 1993) (applying the New York state physician-patient privilege, and ***holding that where plaintiff claimed that she suffered emotional distress, defendants did not have “a license to rummage through all aspects of the plaintiff’s life in search of a possible source of stress or distress,” including plaintiff’s medical records***) (emphasis added); *Wachtman v. Trocaire College*, 532 N.Y.S.2d 943, 944 (N.Y. App. Div. 1988) (holding that the scope of a waiver of the physician-patient privilege in personal injury cases is “limited and does not permit discovery of information involving unrelated illnesses and treatment”). Even in a personal injury action (as opposed to a defamation action), the opposing party does not have carte blanche access to all medical records. *See Sgambellone v.*



*Wheatley*, 165 Misc.2d 954, 958, 630 N.Y.S.2d 835, 838 (N.Y. Sup.Ct. 1995) (holding that in a personal injury action, *plaintiff's waiver of the physician-patient privilege "is not a wholesale waiver of all information about the plaintiff's entire physical and mental conditions but a waiver only of the physical and/or mental condition that is affirmatively placed in controversy"*)).

4. Interrogatory No. 13 is Overly Burdensome

Defendant's request for Ms. Giuffre's pediatric medical records is also overly burdensome. Pursuant to the Federal Rules of Civil Procedure, if requested documents are not yielded in a "reasonable inquiry," Ms. Giuffre is not obligated to expend all of her time and resources on a quest to gather medical files from her birth to the present. Defendant wrongly suggests that it is only burdensome because her "mental condition was so complex or required so much medical attention that it would be unduly burdensome for her to 'track down' all her medical providers." This is mere fiction, like much of Defendant's brief, but even Defendant's fictitious argument cuts against her request: she admits it is burdensome. At any rate, Ms. Giuffre made no such claim about the nature of the burden. It is one thing for Defendant to argue the law, but it is improper to make up facts. Ms. Giuffre's claim of burden is based on the fact that it is burdensome for anyone to track down pediatric medical records from one's childhood because such records are hard if not impossible to find. Like all children, as a child, Ms. Giuffre was not responsible for seeking, arranging, paying for, or managing her health care. She does not remember any physicians or their names or any treatments.<sup>10</sup> There is no practicable or non-burdensome way of obtaining that information. This Court already denied this request for good reason.

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<sup>10</sup> Ms. Giuffre has provided pediatric records that she was able to collect from the time period she was with Defendant an Epstein including an emergency hospital visit when Ms. Giuffre was underage that Defendant and Epstein took her to in New York City.

Defendant's request for pediatric records is also overly-broad because, as this Court correctly noted, Ms. Giuffre is not seeking damages based on anything prior to Defendant abusing her. Defendant has told the Court that before she was sexually trafficked her as a minor, Tellingly, Defendant does not state upon what basis she makes the claim that they are relevant, nor does she say what relevance it has on Defendant's defamation of her in 2015. Of course, Defendant has no supporting case law.

Finally, Ms. Giuffre does not allege that she was trafficked by Defendant in 1999. Through discovery, Ms. Giuffre has been able to obtain documents that established that Defendant trafficked her starting in the summer 2000. Ms. Giuffre was 16 until August 9 of 2000, and was 17 thereafter. Defendant seems to think that it is much better, or even excusable to traffic a 16 or 17 year old than a 15 year old. Maxwell Dep. Tr. 33:3-4 (April 22, 2016) ("Virginia Roberts who your [sic] are referring to was a masseuse aged 17"). See McCawley Dec. at Exhibit 4. Of course, like the other young girls they abused, Ms. Giuffre was not a massage therapist.<sup>11</sup> Despite Defendant's view that being a older than 15 is fine for massaging her convicted pedophile boyfriend, the law makes it illegal to traffic humans at any age; particularly when they are children under the age of 18.

5. The Physician-patient Privilege Applies to Information sought by Interrogatory No. 13

The physician patient privilege most certainly applies to an individual's pediatric medical records. The identity of a physician's name also gives information regarding the type of medical treatment Ms. Giuffre received, particularly if that physician is specialist. Defendant cites no case law whatsoever in her argument that no privilege applies to this information.

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<sup>11</sup> See McCawley Decl. at Exhibit 5, Recarey Dep. Tr. at 125:16-23 ("Q. Did you ever ascertain whether or not FP had any formal training in massage therapy? THE WITNESS: She did not. ***None of the high school girls that I interviewed or anyone under the age of 18 had any formal massage training.***")

Defendant says that Ms. Giuffre's claim of medical damages somehow necessitates Defendant having access to Ms. Giuffre's childhood medical records. This argument is without merit. As Defendant knows, as was explained in detail in Ms. Giuffre's Rule 26 disclosures, Ms. Giuffre's claim of damages relates to the harm she suffered by being publically defamed by Defendant, who was also her abuser. Defendant has no case law to back up the claim that Ms. Giuffre's childhood records are necessary for any category of damages; therefore, it should be denied.

**F. Interrogatory No. 14**

Defendant asks for a list of all of the people who have subjected Ms. Giuffre to sexual abuse prior to 1999. This request is plainly harassing, and covers sexual abuse Ms. Giuffre experienced in the years prior to turning 16.

1. This Discovery sought in Interrogatory No. 14 is Barred by FRE 412

This discovery is not relevant as this evidence is barred under Federal Rule of Evidence 412, which applies to civil cases. Defendant's argument under Federal Rule Evidence 412 is completely misplaced. The Rule absolutely applies in this defamation action. Defendant cannot show evidence of a child being raped in order to show that her defamatory statements are untrue or did not harm Ms. Giuffre's reputation. Such an argument is unsupported by case law, and Defendant cites to none. Defendant defamed Ms. Giuffre when she was thirty-one years old. There is no way that Defendant can make a credible argument that someone raping Ms. Giuffre when she was 14 somehow affects the truth of Defendant's 2015 defamatory statements. Nor can the rape of a child prove an absence of damage to Ms. Giuffre's reputation as an adult. Indeed, Defendant is wrongfully attempting to publicize the fact that Ms. Giuffre was raped as a 14 year old (See Motion for Protection Order DE 335). Neither logic nor case law support this position.

This request is particularly improper as it cannot conceivably lead to admissible evidence. While Federal Rule of Civil Procedure 26 controls the limits of discovery, FRE 412 informs discovery over the boundaries of the proper inquiry into an alleged sexual assault victim's sexual conduct and history. *Silva v. Pioneer Janitorial Servs., Inc.*, No. CIV.A. 10-11264-JGD, 2011 WL 4729783, at \*1 (D. Mass. Oct. 4, 2011). *See also Gibbons v. Food Lion, Inc.*, No. 98-1197-CIV-T-23F, 1999 WL 33226474, at \*2 (M.D. Fla. Feb. 19, 1999) (stating that a majority of courts that have considered whether Fed. R. Evid. 412 is applicable to discovery “have found that Rule 412 has significance in the resolution of a discovery dispute”).

“As explained in the Advisory Committee Notes regarding the 1994 amendments to Rule 412, ‘[t]he rule aims to safeguard the alleged victim against the invasion of privacy, potential embarrassment and sexual stereotyping that is associated with public disclosure of intimate sexual details and the infusion of sexual innuendo into the factfinding process.’ Moreover, although the Advisory Committee Notes acknowledge that the procedures set forth in the Rule for determining the admissibility of evidence relating to an alleged victim's past sexual conduct or predisposition do not apply to discovery, they nevertheless provide as follows:

In order not to undermine the rationale of Rule 412 ... courts should enter appropriate orders pursuant to Fed. R. Civ. P. 26(c) to protect the victim against unwarranted inquiries and to ensure confidentiality. Courts should presumptively issue protective orders barring discovery unless the party seeking discovery makes a showing that the evidence sought to be discovered would be relevant under the facts and theories of the particular case, and cannot be obtained except through discovery. In an action for sexual harassment, for instance, while some evidence of the alleged victim's sexual behavior and/or predisposition in the workplace may perhaps be relevant, non-workplace conduct will usually be irrelevant.”

*Silva*, 2011 WL 4729783, at \*1. (emphasis added). Accordingly, Ms. Giuffre objects to this request based on the Federal Rules of Evidence and prevailing case law applying such Rules.

2. Interrogatory No. 14 is Propounded for Improper Purposes and Harassment

Interrogatory No. 14 seeks information concerning Ms. Giuffre being sexually abused as a child. It is worth recalling that this request is being propounded by Defendant, who sexually abused Ms. Giuffre as a child. The purpose of this request appears to be nothing other than harassment. Defendant is not entitled to a full-scale production of everything that has happened to Ms. Giuffre through the entire course of her life time, particularly with regard to events that clearly predate Defendant's meeting and abusing Ms. Giuffre. A victim of sexual abuse should not be re-abused by having to disclose to one of her abusers (plus all the abusers who are her joint defense partners, including Jeffrey Epstein) details of other childhood sexual abuse.

This Court's Protective Order allows convicted pedophile Jeffrey Epstein to see all discovery in this case, even that marked confidential. The discovery sought here is not pertinent to any issue in the case and would merely serve to feed Defendant Maxwell and Jeffrey Epstein's prurient and continued interest her.

It has become increasingly clear that Defendant's counsel is seeking these documents for the improper purpose of harassment. Ms. Giuffre was only 14 years old at the time of the sexual assault. Yet Defendant's responses to Ms. Giuffre's interrogatories shockingly called this child victim of sexual abuse a "sexually permissive woman." (Defendant's Response to Plaintiff's First Set of Interrogatories). This blame-the-victim strategy is ironic for two reasons. First, Ms. Giuffre was a minor child, not a "woman," when Defendant sexually abused her. Second, it was Defendant and Mr. Epstein who trafficked her to other individuals - therefore, it was Defendant and Mr. Epstein's "permission" given to others to use Ms. Giuffre's sexually. In any event, Defendant can have no legitimate purpose for this discovery.

### 3. Interrogatory No. 14 Seeks Irrelevant Information

Furthermore, discovery concerning Ms. Giuffre's prior sexual assault is not relevant to the claim at issue in this case, the defenses at issue, or the damages claimed, and therefore well

outside the scope of discovery permitted by Fed. R. Civ. P. 26. Specifically, Ms. Giuffre's sexual abuse as minor child neither proves nor disproves Defendant and Epstein's sexual abuse; therefore, it is not within the scope of discovery permitted by Fed. R. Civ. P. 26, particularly since the December 1, 2015, amendments to the Rule. "Parties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Fed. R. Civ. P. 26(b)(1). Engaging in discovery on such irrelevant, but painful, topics would be extraordinarily embarrassing, oppressive, and traumatic for Ms. Giuffre, and it is wholly irrelevant to any party's claim or defense. Accordingly, such discovery is not sought in good faith.

Additionally, to the extent that it is available to Ms. Giuffre, all of this information is already in the possession of Maxwell as she obtained and produced police reports regarding Ms. Giuffre, which Ms. Giuffre did not have in her possession. Ms. Giuffre was also questioned for seven hours in her May 3, 2016, deposition by Defendant's attorney.

4. Sexual Assault Records are Records a Medical Event, and Are Barred by This Court's Order - Discovery Related to Interrogatory No. 14 is Inappropriate

Moreover, this Court has excluded the production of medical records from prior to 1999, stating, "the damage issue relates, in my view, solely to the defamation." (April 21, 2016, Hearing Transcript at 20:23-24). This holding applies equally to pre-1999 sexual assault records for two reasons. First, sexual assault is not only a crime, but a physical injury, and an injury for which medical treatment is often needed and for which a forensic medical exam is often



performed. Accordingly, any documentation of sexual assault is necessarily akin to a medical record, and, therefore, precluded under the Court's April 21, 2016 Order.

5. Information Sought in Interrogatory No. 14 related to Ms. Giuffre's Sexual Abuse is Protected by Florida Statutes

Finally, this abuse took place in Florida, and information relating to those events is protected from disclosure by law. Florida statutes protect "[a]ny information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery . . . which reveals that minor's identity." Fla. Stat. § 119.071. Additionally, Fla. Stat. § 985.036 protects records where a juvenile is a victim of a crime. Further, Fla. Stat § 794.026 creates a civil right of action against an individual who communicates to others, identifying information concerning the victim of a sexual offense. Additionally, Second, Fla. Stat. § 985.04 and Fla. Stat. § 985.054 make juvenile law enforcement records confidential from members of the public, and states that information obtained by a law enforcement agent participating in the assessment of a juvenile is confidential. Finally, certain of the police reports implicate Ms. Giuffre's involvement with the Florida Department of Children and Families, see e.g., GM\_00750, and if such reports are part of the State's Department of Children and Families' records, they are confidential pursuant to Fla. Stat. § 39.202(6).

While Defendant, a sex abuser of minors, says that the Protective Order is all the privacy Ms. Giuffre needs regarding being raped as a 14 year old, Federal Rules of Civil Procedure, Federal Rules of Evidence, Florida statutes, and case law say otherwise. Indeed, Defendant is engaging in double-speak on the Protective Order: her joint defense partner Alan Dershowitz is attempting, through his baseless motion to intervene, to challenge the confidential designations of various documents in the case, and strip away the Protective Order's protections. Finally, Defendant incorrectly states "[n]one of this illegal or inappropriate sexual contact, conduct or

assault is within the right to privacy.” Defendant cites no case law or statutes to back this up. Of course, the opposite is true, as evidenced by the statutes and case law cited above.

6. Defendant Makes Misrepresentations to the Court regarding Interrogatory No. 14

Defendant wrongly states, in the public record, there is “an abundance of evidence suggesting that well before she met Ms. Maxwell, Plaintiff had engaged in illegal sex activities or falsely claimed she was the victim of illegal sex activities.” This is a lie. There is evidence that Ms. Giuffre was raped as a child and there is evidence that she was abused as a child. There is no evidence that Ms. Giuffre did anything illegal sexually and there is no evidence that she “falsely claimed” she was raped. It is an old story to discredit the victim of sexual abuse by lying about and using that victim’s sexual past. *See* “Rape and the Culture of the Courtroom,” by Andrew Taslitz (1999). Federal Rule of Evidence 412, and all the rape shield laws, were erected to forbid this inappropriate tactic. *Id.* With no self-reflection, Defendant asserts that she is seeking documents relating to Ms. Giuffre’s sexual activities as a child “whether she was a willing participant.” However, the time-frame on this request was before Ms. Giuffre’ could possibly be a “willing participant,” because she was well under the age of consent.

7. Defendant Has Violated the Court’s Protective Order (DE 62) in Her Argument Concerning Interrogatory No. 14

Defendant’s statements about Ms. Giuffre “falsely claiming” to be a victim constitute a misrepresentation to the Court, and it is violation of the Protective Order. Ms. Giuffre has designated police reports concerning her rape as a fourteen year old to be confidential under the Protective Order. In contravention of that Order and in contravention of Ms. Giuffre’s designation, Defendant put that in the public realm by her filing DE 354, which did not redact this information. This Court should sanction Defendant for such behavior.

**IV. PLAINTIFF'S ANSWERS TO DEFENDANT'S REQUESTS FOR ADMISSIONS ARE NOT DEFICIENT AND DEFENDANT'S MOTION SHOULD BE DENIED**

Before rebutting Defendant's unsupported arguments, she notes for the Court that for 27 out of 33 answers to Request for Admission Ms. Giuffre served upon Defendant, Defendant began her answer with the phrase, "Denied in Part." Now, Defendant complains that Ms. Giuffre used the same phraseology in response to some of Defendant's Requests for Admission. Such a complaint is unfounded.

**A. Requests for Admission Nos. 1-8 and 13**

At the time of filing the Complaint, to the best of her recollection, Ms. Giuffre recollected that she met Defendant in the summer 1999 when she was working at Mar-a-Lago, a club in Palm Beach, Florida. Based on documents produced pursuant to litigation, Ms. Giuffre has learned that, instead, she met Defendant at the Mar-a-Lago club in 2000. During the summer of 2000, Ms. Giuffre was 16 until August 3, when she turned 17. Accordingly, Ms. Giuffre has learned that she did not meet Defendant when she was 15, but, rather, likely at 16. Either way, Ms. Giuffre was indisputably a minor when Defendant recruited her to have sex with convicted pedophile Jeffrey Epstein, with whom Defendant shared a household. Thereafter, Ms. Giuffre flew on Epstein's private jets with over Defendant 23 times while she was a minor.

Defendant makes much ado that she recruited a 16 or 17 year old for sex with Epstein rather than a 15 year old, and makes much ado over Ms. Giuffre's mistaken memory. Ms. Giuffre did not attend middle school or high school in a linear fashion, nor did she have any continuity of residence during those years. Instead, Ms. Giuffre's middle school and high school years were tumultuous. Based on her Palm Beach County, Florida records, it appears that, according to those records, for the 1993-1994 school year, when Ms. Giuffre's was 10, Ms.

Giuffre attended fifth grade in Florida, at the Loxahatchee Elementary School.<sup>12</sup> However, for the 1994-1995 and the 1995-1996 school years, there are no records.<sup>13</sup> Indeed, it appears that for the 1996-1997 school years, when she was 13, Ms. Giuffre attended Crestwood Middle School, but was only present, at most, 40 days of the 180-day school year.<sup>14</sup> For the 1997-1998 school years, when Ms. Giuffre was 14, it appears she attended Royal Palm Beach High School, but was absent 33 days, failed the grade, and had to repeat it. It is unsurprising that school year had so many absences and lack of academic standing: when she was 14 years old, she was raped. In both January and February of that school year, she was reported missing by her mother. GM\_000752-754; GM\_00783. Later in February, Ms. Giuffre was the victim of sexual assault. GM\_00756-758; GM\_00759; GM\_00766.

Ms. Giuffre has no records for the following school year. For the 1998-1999 school year, records show that when Ms. Giuffre was supposed to be repeating 9<sup>th</sup> grade, Ms. Giuffre was absent at least 25 days. GM\_00888. After 9<sup>th</sup> grade, Ms. Giuffre doesn't continue school. In, the next school year, from 1999-2000, the transcript first reflects that there were no courses taken in 1999, and starting in June of 2000, the transcripts reflects a "Grade 30" school code. "Grade 30" means that Ms. Giuffre was supposed to be on a GED course plan. GM\_00888; 00893. After that, flight logs show, and Epstein's pilot testified, that Ms. Giuffre was on 44 flights on Epstein's jet, *before she turned 18*, flying all over the country and internationally. During this time period, according to school records, Ms. Giuffre attended school for, at most, 13 days at Royal Palm Beach High School (GM\_0888) for 10<sup>th</sup> grade, then spent, at most, possibly 56 days at Survivor's Charter school (out of a 180 day school year). (GM00888). Ms. Giuffre then was

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<sup>12</sup> See McCawley Decl. at Sealed Exhibit 6, School Records, GM\_00888.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* GM\_00888.

back with Defendant and Epstein, and went on five more flights on Epstein's plane before finally escaping abroad.

Accordingly, the records and testimony in this case establish that Ms. Giuffre had no continuity of education or residence or other markers that normally anchor specific events in time for a high schooler. Instead, she attended multiple schools sporadically, she was sexually assaulted at 14, she ran away from home multiple times, and then ended up being abused by Defendant and Epstein, traveling all around. It is not surprising that Ms. Giuffre had trouble identifying specific calendar dates.

At any rate, in compliance with Rule 36(a)(4), Ms. Giuffre stated which part of the statement she denies. She denies statements involve her age. She was not 15, but 16, turning 17 in August the summer she was trafficked by Defendant and when she met Epstein. She was sexually trafficked as a minor child by Defendant and Epstein; she did celebrate one of her teenage birthdays with Defendant; Defendant did tell her that she would soon be too old for [convicted pedophile] Jeffrey Epstein's taste; she did work at Mar-a-Lago the summer of 2000 when she was a minor; she did work for Epstein from 2000-2002. Ms. Giuffre will not deny those parts of Defendant's requests for admission; and she did see recall seeing Al Gore during the time she was with Epstein and Defendant.

#### **B. Requests for Admission Nos. 12**

Ms. Giuffre's objection to Request for Admission No. 12 is correct pursuant to Rule 36(a)(5), Fed. R. Civ. P.<sup>15</sup> Rule 36(a)(5) states "[t]he grounds for objecting to a request must be stated. A party must not object solely on the ground that the request presents a genuine issue for trial." Ms. Giuffre's objections are compliant with this Rule. Here, Defendant has made up a

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<sup>15</sup> Again, in violation of Local Rule 37.1, Defendant omits the case law that Ms. Giuffre put forth in support of her objection.

fictitious scenario and asks Ms. Giuffre to admit or deny it. This fictitious scenario is not something that Ms. Giuffre has ever alleged. As stated in the objection, Defendant has interposed and comingled facts which comprise the foundation of this request for admission. Specifically, Ms. Giuffre has never alleged that “she had a conversation with Bill Clinton regarding him flying with Ghislaine Maxwell in a helicopter.” Instead, Ms. Giuffre has been quoted by a reporter as saying, “I flew to the Caribbean with Jeffrey and then Ghislaine Maxwell went to pick up Bill [Clinton] in a huge black helicopter that Jeffrey had bought her.” Sara Nathan, Bill Clinton Pictured with Jeffrey Epstein’s Social Fixer, Daily Mail, (12 January 2015).

As a threshold matter, a court must determine whether the statements set forth in a request for admissions satisfy the formal requirements of Rule 36: “(e)ach request for admissions must be direct, simple and ‘limited to singular relevant facts,’” *United States v. Consolidated Edison Co.*, 1988 WL 138275 (E.D.N.Y. [Dec. 15, 1988] ) (quoting *S.E.C. v. Micro-Moisture Controls*, 21 F.R.D. 164, 166 (S.D.N.Y.1957)), so that “it can be admitted or denied without explanation.” [8 C. Wright & A. Miller,] Federal Practice and Procedure, § 2258 [(1970)]. A request “should not state ‘half a fact’ or ‘half-truths’ which require the answering party to qualify responses.” *Havenfield Corp. v. H & R Block, Inc.*, 67 F.R.D. 93, 96–97 (W.D.Mo.1973); Dubin, 125 F.R.D. at 375–76. *See also Thalheim v. Eberheim*, 124 F.R.D. 34, 35 (D.Conn.1988) (court must consider phraseology of requests as carefully as that of answers or objections).

At the end of the day, in making a determination under Rule 35(a)(5), “the Court is reminded that *the ‘purpose of the rule is to reduce the costs of litigation by eliminating the necessity of proving facts that are not in substantial dispute, to narrow the scope of disputed issues, and to facilitate the presentation of cases to the trier of fact.’*” *Spin Master Ltd. v. Bureau Veritas Consumer Products Service, Inc.*, 2016 WL 690819, at \*18 (W.D.N.Y., 2016)



(emphasis added), quoting *T. Rowe Price Small-Cap Fund, Inc. v. Oppenheimer & Co., Inc.*, 174 F.R.D. 38, 43 (S.D.N.Y. 1997). Admitting or denying this statement does not eliminate the necessity of proving facts, as this is not a fact in dispute. It does not narrow the scope of disputed issues. It does not facilitate the presentation of the case to the trier of fact. Admitting or denying this request for admission no more furthers the case than asking Ms. Giuffre, for example, to admit or deny that the sky is green. Ms. Giuffre has made neither statement - therefore, it is outside the scope of requests for admission.

Of course, what Defendant is attempting with this request for admission is obvious. Defendant has made up a scenario Ms. Giuffre never claimed to have happened in order to induce her to deny it, so that Defendant can, later, falsely claim to a jury that Ms. Giuffre lied about the scenario. The Court should not countenance this type of blatant gamesmanship. Accordingly, Ms. Giuffre had objected to answering this request for admission as it is based on “half-truths,” which make it impossible to answer without a qualified response.

**V. PLAINTIFF’S RESPONSES TO DEFENDANT’S OVERLY BROAD REQUESTS FOR PRODUCTION ARE COMPLIANT WITH HER DISCOVERY OBLIGATIONS UNDER THE APPLICABLE RULES AND DEFENDANT’S MOTION SHOULD BE DENIED**

**A. Request for Production No. 1**

Defendant puts forth no case law in support of her motion to compel Request No. 1. Request No. 1 seeks “[a]ll communications and documents identified in Interrogatories 5-14, above. Again, in violation of Local Rule 37.1, Defendant fails to tell the Court what those interrogatories are. The Court should know that Defendant’s Interrogatories 5-14 are as follows:

5. Identify each Communication that You or Your Attorneys have had with any author, reporter, correspondent, columnist, writer, commentator, investigative journalist, photojournalist, newspaper person, freelance reporter, stringer, or any other employee of any media organization or independent consultant to the same, including:
  - a. the date of any such Communication;

- b. the form of any such Communication, whether oral or written and if written, the format of any such Communication;
- c. the identities of all persons involved in such Communication, including, the identity of the media organization with whom the agent is or was affiliated;
- d. the article title, date of publication, and means of publication of any article, report, or re-printing of any such Communication made by You or Your Attorneys;
- e. the amount of Income that You and/or Your Attorneys received in exchange for any such Communication;
- f. the dates on which You and/or Your Attorneys received any such Income for any such Communication.

6. Identify any “false statements” attributed to Ghislaine Maxwell which were “published globally, including within the Southern District of New York” as You contend in paragraph 9 of Count I of Your Complaint, including:

- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication; and the nature of the publication, whether in print, internet, broadcast or some other form of media.

7. State whether You believe that You have ever been defamed by anyone other than Ghislaine Maxwell. If so, as to each alleged act of Defamation, state

- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication; and
- e. the nature of the publication, whether in print, internet, broadcast or some other form of media.

8. Identify the individuals referenced in Your pleadings filed in the U.S. District Court for the Southern District of Florida, Jane Doe I and Jane Doe 2 v. United States of America, 08-cv-80736-KAM, as the “high-profile non-party individuals” to whom Mr. Jeffrey Epstein sexually trafficked You, “including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders,” including as to each episode of alleged sexual trafficking:

- a. the date of any such sexual trafficking;
- b. the location of any such sexual trafficking;
- c. any witnesses to any such sexual trafficking;
- d. any Income You received in exchange for such sexual trafficking; and

e. any Documents You have to support or corroborate Your claim of such sexual trafficking.

9. Identify any Employment You have had from 1996 until the present, including without limitation, the name of Your employer or the name of any Person who engaged You for such Employment, the address and telephone number for any such Employment, the beginning and ending dates of any such Employment, Your job title in such Employment, and Your Income from such Employment.

10. Identify any Income from any source other than Your Employment that You have received from January 1, 1996 until the present, including the Person or entity providing such Income, the amount of the Income, the dates on which any such Income was received, and the nature of the Income, whether a loan, investment proceeds, legal settlement, asset sale, gift, or other source.

11. Identify any facts upon which You base Your contention that You have suffered as a result of the Alleged Defamation by Ghislaine Maxwell “past and future lost wages and past and future loss of earning capacity and actual earnings – precise amounts yet to be computed, but not less than \$5,000,000.”

12. Identify any Health Care Provider from whom You received any treatment for any physical, mental or emotional condition, that You suffered from subsequent to any Alleged Defamation by Ghislaine Maxwell, including:

- a. the Health Care Provider’s name, address, and telephone number;
- b. the type of consultation, examination, or treatment provided;
- c. the dates You received consultation, examination, or treatment;
- d. whether such treatment was on an in-patient or out-patient basis;
- e. the medical expenses to date;
- f. whether health insurance or some other person or organization or entity has paid for the medical expenses; and
- g. for each such Health Care Provider, please execute the medical and mental health records release attached hereto as Exhibit A.

13. Identify any Health Care Provider from whom You received any treatment for any physical, mental or emotional condition, including addiction to alcohol, prescription or illegal drugs, that You suffered from prior to the Alleged Defamation by Ghislaine Maxwell, including:

- a. the Health Care Provider’s name, address, and telephone number;
- b. the type of consultation, examination, or treatment provided;
- c. the dates You received consultation, examination, or treatment;
- d. whether such treatment was on an in-patient or out-patient basis;
- e. the medical expenses to date;
- g. whether health insurance or some other person or organization or entity has paid for the medical expenses; and

h. For each such Health Care Provider, please execute the medical and mental health records release attached hereto as Exhibit A.

14. Identify any Person who You believe subjected You to, or with whom You engaged in, any illegal or inappropriate sexual contact, conduct or assault prior to June 1999, including the names of the individuals involved, the dates of any such illegal or inappropriate sexual contact, conduct or assault, whether Income was received by You or anyone else concerning such event, whether a police report was ever filed concerning such event and the outcome of any such case, as well as the address and location of any such event.

Regarding documents related to **Interrogatory No. 5**, as described above, Ms. Giuffre has already produced her communications with the media, and a request for communications among her counsel and the media is overly-broad to the point of total impracticality and absurdity. Therefore, this request should be denied.

Regarding documents related to **Interrogatory No. 6**, Ms. Giuffre has already produced documents (or world-wide-web links to documents) in which Defendant has defamed her. Any more exhaustive search of the internet for additional documents, is not something contemplated by the Local Rules. Additionally, Ms. Giuffre has no documents related to any other defamation of Ms. Giuffre Defendant may have caused. Therefore, there is nothing further to “compel,” and this request should be denied. Defendant should be producing this responsive material, not Ms. Giuffre.

Regarding documents related to **Interrogatory No. 7**, Ms. Giuffre does not have documents relating to other’s defamation of her. She knows of a few statements made by Alan Dershowitz, but causing Ms. Giuffre to go through a time-consuming, burdensome, and, frankly, emotionally upsetting, exercise of searching around for whatever else he may have said is outside the scope of Rule 26, as discussed above, particularly as Ms. Giuffre has not based any part of her claim off of those statements. Accordingly, this request should be denied.

Regarding documents related to **Interrogatory No. 8**, seeking all documents relating to individuals to whom Ms. Giuffre was trafficked, Ms. Giuffre has already produced the documents in her possession. She has produced the photo of her when she was 17, taken inside Defendant's apartment, with Prince Andrew's hand around her bare waist while she was standing next to Defendant, and she has produced the deposition transcript wherein she testified about to whom she was trafficked, in *Edwards v. Cassell*, Broward County Case Number CACE 15-000072 on January 16, 2016. *See* GIUFFRE005094- GIUFFRE007566. Ms. Giuffre additionally testified regarding the subject matter requested in this interrogatory on in the above-captioned case in her deposition on May 3, 2016, and that deposition transcript is also within Defendant's possession. Because Ms. Giuffre has provided an answer to this interrogatory in her deposition, which was a more practical method of obtaining the information sought, this interrogatory is improper under the Local Rules as well as wholly duplicative.

Regarding documents related to **Interrogatory No. 9**, which seeks Ms. Giuffre's employment history, Ms. Giuffre has already answered that, and produced any corresponding documents she has and has obtained since the commencement of litigation. Ms. Giuffre dropped her claim for lost wages in her Amended Rule 26 disclosures rendering this interrogatory irrelevant which seeks over 20 years of employment information. Defendant puts forth no case law for the proposition that she is entitled to this discovery. Accordingly, Defendant's request should be denied.

Regarding documents related to **Interrogatory No. 10** requests information concerning Ms. Giuffre's income. Ms. Giuffre has already produced her responsive document, including bank statements showing electronic funds transfers. Accordingly, there is nothing to compel regarding this Interrogatory, and Defendant's request should be denied.

Regarding documents related to **Interrogatory No. 11**, which concerns facts about Ms. Giuffre's lost wages, Ms. Giuffre has withdrawn her lost wage claim, and therefore, this interrogatory is no longer relevant.

Regarding documents related to **Interrogatory No. 12**, concerns Ms. Giuffre's health care providers subsequent to the defamation. Ms. Giuffre has already produced the documents and medical records associated with these providers, as described above. Accordingly, there is nothing to compel regarding this Interrogatory, and Defendant's request should be denied.

Regarding documents related to **Interrogatory No. 13**, concerns Ms. Giuffre's health care providers prior to the defamation. Not only has Ms. Giuffre disclosed her health care providers from 1999 through the present, but she has retrieved and produced her medical records, and executed and sent releases for each and every one of them. Regarding any documents that may exist relating to any pre-1999 medical records, Ms. Giuffre incorporates her argument regarding the same, above, including the doctor-patient privilege.

Regarding documents related to **Interrogatory No. 14**, which concerns sexual assault Ms. Giuffre experienced as a young teenager, prior to Defendant's sexual assault of her while still a minor, Ms. Giuffre has no documents beyond the police reports that Defendant produced. This request should be denied, anyway, pursuant to the statutes and case law set forth above.

Despite Defendant's efforts to hide the vast categories of documents that fall within the ambit of Interrogatory No. 1 (in contravention of Local Rule 37.1), as the Court can see, Interrogatory No. 1 is a sprawling, over-broad, request, that seeks documents that are either (1) non-discoverable pursuant to this Court's April 21, 2016, Order; (2) protected by statutes and case law; (3) protected by the doctor-patient privilege; (4) are wholly irrelevant to this action; and (5) seek documents that are not within the possession, custody or control of Ms. Giuffre, or



are unduly burdensome. As described in full above, Ms. Giuffre has produced what documents she has in response to these requests. This Court should deny Defendant's motion to compel the documents related to this request for all of the foregoing reasons.

**B. Request for Production No. 4**

Defendant puts forth no case law in support of her motion to compel Request for Production No. 4. In this request, Defendant deliberately targets attorney-client privileged communication by seeking communications between Ms. Giuffre's attorneys and the nearly 100 individuals on Ms. Giuffre's witness list, with no date or subject matter limitations. This is an improper request. Certain attorneys for Ms. Giuffre represent other individuals listed on the Rule 26 Disclosures in separate legal matters, and revelation of such communications would violate privileges that do not belong to Ms. Giuffre, but rather belong to other victims of sexual abuse who have not waived such privileges.

In her brief, Defendant urges the Court to overlook the facial overbreadth of her requests and, instead, read them "reasonably." Based on a reasonable reading of this request, Ms. Giuffre has produced her counsel's communications with the attorneys for witnesses on Ms. Giuffre's disclosures that took place subsequent to filing the complaint,<sup>16</sup> including communications with counsel for Johanna Sjoborg (which is also responsive to Defendant's Request No. 7, seeking those communications specifically). Requiring anything further would be overly burdensome, and would violate the attorney-client privilege of third-parties.

**C. Request for Production No. 9**

---

<sup>16</sup> The overwhelming majority of Ms. Giuffre's counsel's communications with witnesses' counsel were email communications on which Defendant's counsel were copied. Ms. Giuffre did not produce email communications in which Defendant's counsel were copied, as such an exercise is unnecessary. Instead, Ms. Giuffre's counsel produced communications with witnesses' counsel upon which Defendant's counsel was not copied.

Defendant's Request for Production No. 9 is, possibly, the best example of facial overbreadth in this entire dispute. Therefore, it is unsurprising that Defendant puts forth no case law in support of her motion to compel Request for Production No. 9. In this request, Defendant seeks all documents concerning any communications between Ms. Giuffre's attorneys and "any witness" in the case captioned Jane Doe #1 and Jane Doe #2 v. United States, Case no. 08-cv-90736-KAM, in the United States District Court for the Southern District of Florida (the Crime Victim's Rights Act case, or "CVRA case"). Some background on the CVRA case is necessary to address the overbreadth of this Request.

In 2008, one of Ms. Giuffre's attorneys, Bradley J. Edwards (soon joined by co-counsel, and former United States District Court Judge, Professor Paul Cassell) filed a *pro bono* action in the Southern District of Florida under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771. Filed on behalf of Jane Doe 1 (and later Jane Doe 2) the CVRA action alleged that federal government had failed to protect the rights of Jane Doe 1 and other-situated victims of sex crimes committed by Jeffrey Epstein, a politically-connected billionaire. *See* Complaint filed in *Jane Doe 1 v. United States*, No. 9:08-cv-80736, DE 1 (S.D. Fla. July 7, 2008). It will not surprise the Court that the victims alleged that, while they were underage girls, Epstein and his co-conspirators sexually abused them in his Florida mansion under the guise of obtaining "massages." The victims further alleged that the Government concealed from them a plea bargain under which the federal government extended to Epstein a non-prosecution agreement (NPA) in exchange for Epstein's guilty plea to low level state offenses. The CVRA case has been litigated for nearly eight years, with litigation continuing to date.

Jane Does 1 and 2 have achieved many precedent-setting victories in the case, including a ruling that the CVRA rights of victims could apply before charges were filed, *Does 1 and 2 v.*

*United States*, 817 F. Supp. 2d 1337 (S.D. Fla. 2011); that they had standing to challenge the non-prosecution agreement reached between the Government and Epstein, *Jane Does 1 and 2 v. United States*, 950 F. Supp. 2d 1262 (S.D. Fla. 2013); and that Epstein’s plea negotiations were not protected from disclosure by any federal rule of evidence, *Does v. United States*, 749 F.3d 999 (11th Cir. 2014). Congress has also followed the developments in the case closely, recently amending the CVRA to insure that in the future crime victims receive notice of any non-prosecution agreement entered into by the Government. *See* Pub. L. 114-22, Title I, § 113(a), (c)(1), May 29, 2015, 129 Stat. 240, 241 (adding 18 U.S.C. § 3771(a)(9) to give victims “[t]he right to be informed in a timely manner of any plea bargain or deferred prosecution agreement).

With regard to communications by Ms. Giuffre’s attorneys, this request seeks clearly privileged materials, because Ms. Giuffre’s attorneys represent not only Ms. Giuffre (Jane Doe 3) in the CVRA matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4. Any communications between the four Jane Does, via Ms. Giuffre’s attorneys, plainly would be subject to attorney-client protection, joint prosecution protection, and work product protection as well.

With regard to contact with “witnesses,” the request is vague, unduly burdensome, and overbroad. The CVRA case centers on issues surrounding whether the U.S. Government failed to confer and otherwise protect the rights of victims (including Janes Does 1, 2, 3, and 4) during plea negotiations with Jeffrey Epstein. Accordingly, some of the main “witnesses” in the case are the Government prosecutors who handled the plea negotiations. Several of the same prosecutors who handled the plea negotiations are also involved in defending the CVRA case. The CVRA has been in litigation for nearly eight years, and there have extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims’ counsel and provided to Judge Marra for in camera review). The

request appears designed to target all of these communications, and such communications, *going back eight years*, would necessitate a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutors. The burden would be substantial and the relevance would be essentially non-existent. Whatever communications Ms. Giuffre's attorneys would have had with government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defamed Ms. Giuffre.

Moreover, many materials related to this case remain under Judge Marra's protective order. Accordingly, before Ms. Giuffre's counsel could even have the option to release certain materials that the Government has provided to him as an attorney in the case, defendant Maxwell would have to approach Judge Marra and seek a modification of the protective order.

The request is also vague because it is not clear precisely what "witnesses" Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre's lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of this case. Again, the relevance of such communications seems basically non-existent to the action. But because the case has spanned eight years, collecting such communications would be difficult and overly burdensome. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre's attorneys with collecting such communications when she can collect them in other ways.

Defendant fails to make an argument addressing Ms. Giuffre's overbreadth argument and undue burden argument. Defendant also fails to make an argument explaining any relevance of

these documents. And, again, Defendant puts forth no case law in support of her position to compel. The Court should deny this request.

**D. Request for Production No. 10**

This request seeks the same documents as Request No. 9 with regard to the Dershowitz litigation.<sup>17</sup> Defendant sets forth no new or differentiated argument with regard to this request, and Defendant puts forth no case law in support of her motion to compel Request for Production No. 10. This request has nearly all of the same defects as Request No. 9. For the reasons stated above, it should be denied.

**E. Requests for Production No. 11 and No. 12**

With these requests, Defendant seeks “statements” obtained from witnesses in the CVRA case and the Dershowitz case, described above. This request directly targets privileged documents. In this discussion, Defendant puts forth her one and only example of case law. However, Defendant’s District of Ohio case is not applicable. It holds that affidavits are not normally protected as work product. Even should this Court adopt this premise, *and* adopt Defendant’s argument, there are not affidavits to produce. Based on the best of their recollection, Ms. Giuffre’s counsel do not have any affidavits that are (1) not part of the docket/filings in the CVRA case in the Southern District of Florida, or (2) not already produced to Defendant in this litigation.

Even looking for such documents it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Again, the CVRA case centers

---

<sup>17</sup> While the CVRA case was moving forward in the Southern District of Florida on behalf of Jane Does 1 and 2, separate litigation developed between the *pro bono* attorneys who had filed the lawsuit (Cassell and Edwards) and Dershowitz. After Cassell and Edwards filed the joinder motion in the CVRA case, Dershowitz took the airwaves to attack not only Jane Doe 3’s allegations against him, but also Cassell and Edwards’ decision to file the allegations. Cassell and Edwards then filed a state law defamation action against Dershowitz in Broward County, Florida. Ultimately, Cassell, Edwards, and Dershowitz agreed to settle their defamation case.

on issues surrounding whether the U.S. Government failed to confer and otherwise protect the rights of victims (including Janes Does 1, 2, 3, and 4) during plea negotiations with Jeffrey Epstein. It has been in litigation for nearly eight years, and there have been extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims' counsels and provided to Judge Marra for in camera review). It is not clear whether the request is designed to request all of these communications as "statements," but if it does capture these communications going back eight year, it would involve a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutor. The burden would be substantial and the relevance would be essentially non-existent. Whatever statements Ms. Giuffre's attorneys obtained from government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defamed Ms. Giuffre. Moreover, many materials remain under Judge Marra's protective order. Accordingly, before Ms. Giuffre's counsel could even have the option to release certain materials that the Government has provided to him as an attorney in the case, defendant Maxwell would have to approach Judge Marra and seek a modification of the protective order.

The request is also vague because it is not clear precisely what "statements" Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre's lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of this case. Again, the relevance of such communications seems basically non-existent to the action. But because the case has spanned eight years, collecting such communications would be difficult.



Finally, if Defendant is now seeking sworn affidavits, there is no practicable way to search for those things. As stated above, upon counsel's best memory, any affidavits are part of the CVRA case docket or already produced in this litigation. If there happen to be others, to search for them, through 8 years of litigation, would certainly be a Herculean task, and not one that would necessarily yield any responsive documents. Defendant's requests are poorly drafted. Defendant's arguments are unavailing. And, Defendant's sole case does not go to this request regarding "statements." Even an attempt at compliance would be grossly overly burdensome. The Court should deny Defendant's motion to compel with regard to these requests.

## **VI. CONCLUSION**

Defendant's brief is bereft of case law, lacking the authority upon which this Court can grant her overly-broad requests, many of which have already been fully satisfied. Similarly, Defendant's motion for sanctions is completely baseless, and should be denied. For the foregoing reasons, Ms. Giuffre respectfully requests Defendant's Motion to Compel and for Sanctions be denied in its entirety.

DATED: August 17, 2016.

Respectfully Submitted,

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<sup>18</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 17, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Meredith Schultz  
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COMPOSITE  
EXHIBIT 3  
(File Under Seal)



## Alan Dershowitz: 'Sex slave' accuser is serial liar, prostitute

Famed attorney slams woman who claims he had underaged sex with her

Author: [Bob Norman](#), Reporter, [bnorman@Local10.com](mailto:bnorman@Local10.com)

Published On: Jan 22 2015 06:03:14 PM EST Updated On: Jan 22 2015 06:20:00 PM EST



### PEMBROKE PARK, Fla. -

Well-known attorney and Miami Beach resident Alan Dershowitz emphatically [denied allegations made in newly-filed court papers that he had sex six times with an underage girl](#) who at the time was serving as a "sex slave" for wealthy financier -- and convicted sex offender -- Jeffrey Epstein.

**Related:** [Billionaire's 'sex slave' details allegations against Prince Andrew, Dershowitz](#)

"This is a woman who is a serial liar," Dershowitz told Local 10 News reporter [Bob Norman](#). "She's lied, lied, lied, lied."

"But she wasn't lying about being sexually abused by Jeffrey Epstein," said Norman.

"That is a different issue," said Dershowitz. "That is between her and Jeffrey Epstein."

The woman is [Virginia Roberts](#), one of as many as 40 women who allege that Epstein recruited them while they were minors into a sex ring based at Epstein's Palm Beach mansion.

Roberts alleges in a 14-page affidavit -- which included newly-released photos she said were taken by Epstein when she was 15 -- that Epstein groomed her as "sex slave" to gratify not only him but his powerful friends.

She wrote that she was introduced to Epstein at the mansion by heiress Ghislaine Maxwell, the daughter of the late British publisher Robert Maxwell, on the pretext that she would be paid to give him a "massage," which she wrote was Epstein's "code word for sexual encounters."

"From the first time I was taken to Epstein's mansion that day, his motivations and actions were sexual, as were Maxwell's," Roberts writes in the affidavit. "My father was not allowed inside. I was brought up some stairs. There was a naked guy, Epstein, on the table in the room. Epstein and Maxwell forced me into sexual activity with Epstein ... I was paid \$200."

She wrote that she then began working for Epstein, and traveling around the country and world with him.

"Jeffrey Epstein and Ghislaine Maxwell trained me to do what they wanted, including sexual activities and the use of sexual toys," she wrote. "The training was in New York and Florida at Epstein's mansions. It was basically every day and was like going to school ... I was trained to be 'Everything a man wanted me to be.' It wasn't just sexual training -- they wanted me to be able to cater to all the needs of the men they were going to send to me."

In the affidavit, she alleges that Dershowitz was one of those men and that she had sex with him six times beginning when she was 16 at Epstein's residences, as well as on his jet and private island. She also added details about her allegations that Epstein -- who served 13 months in jail after being convicted of soliciting a minor for sex in 2008 -- ordered her to have sex on three occasions with Prince Andrew in London at the age of 17, paying her \$15,000 after the first instance.

[Read the entire 14-page affidavit here.](#)

Dershowitz said Roberts was a prostitute and questioned whether she is now, at the age of 31, a fit mother for her three children.

"She's now an admitted prostitute," said Dershowitz. "I can tell you she is still a prostitute: she is selling these false stories now for money about me. That is a form of prostitution."

"Do you have any concern calling her a prostitute when she was victimized at such an early age by a wealthy man?" Norman asked.

"She was not victimized ... she made her own decisions in life," said Dershowitz.

"But at the age of 15 some would say ... she was taken advantage of," said Norman.

"I'm talking about the age of 19," said Dershowitz.

"But it started when she was 15," said Norman.

"I am not involved in that," he said. "I have no knowledge of that. That's between her, and the federal government and the people who victimized her. All I know is she has victimized me. At the age of 31 she has made up false allegations against me. She is a mother of three children, and she is now living a lie to her three children and the question is whether she is an adequate mother of her three children going around selling her false stories of prostitution."

Dershowitz is an admitted long-time friend of Epstein's who frequented his homes at the time Roberts and other young girls were in Epstein's employ. But he insisted he never saw an underage girl in Epstein's company. A former Epstein employee, the late Alfredo Rodriguez, testified under oath that Dershowitz was at the Palm Beach mansion at the same time underage girls were at the home.



"That's not true," said Dershowitz. "I was never in Jeffrey Epstein's house or any of the houses in the presence of any young woman. Now were there other young women in other parts of the house giving massages when I wasn't around? I have no idea of that. I can only say I never saw a young underage woman. If I had I would have left the house and never come back, period."

He told Norman that he had one massage at Epstein's home and it was with an adult woman.

"I kept my underwear on during the massage," he said. "I don't like massages particularly."

One of the more salacious allegations made by Roberts is that Dershowitz "was so comfortable with the sex that was going on that he would even come and chat with Epstein while I was giving oral sex to Epstein." Dershowitz called that allegation absurd.

"Alan Dershowitz was standing there and talking about what? The weather, the stock market? It's the most preposterous thing imaginable," said Dershowitz.

Dershowitz, who has issued a denial to Roberts' basic claims in a sworn affidavit of his own, said he would willingly be deposed on the matter. Roberts' attorneys have claimed that Dershowitz has refused to submit to deposition.

When questioned about it, Dershowitz said he would be deposed in the case, but only after Roberts and her two lawyers are deposed. The lawyers have sued Dershowitz for defamation after he alleged they should be disbarred for initially putting Roberts' allegations in court papers.

"I am happy today to express my willingness to be deposed after the three of them are deposed," he said. "That's the order it should occur because they are the accusers. I am the one who is defending myself against their accusations."

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
VIRGINIA L. GIUFFRE,  
                    Plaintiff,  
v.  
GHISLAINE MAXWELL,  
                    Defendant.  
-----X

**15-cv-07433-RWS**

**Declaration Of Jeffrey S. Pagliuca In Support Of  
Defendant's Response in Opposition to Plaintiff's Motion to Enforce the Court's Order  
and Direct Defendant to Answer Deposition Questions Filed Under Seal**

I, Jeffrey S. Pagliuca, declare as follows:

1. I am an attorney at law duly licensed in the State of Colorado and admitted to practice in the United States District Court for the Southern District of New York pro hac vice. I am a member of the law firm Haddon, Morgan & Foreman, P.C., counsel of record for Defendant Ghislaine Maxwell ("Maxwell") in this action. I respectfully submit this declaration in support of Response In Opposition to Plaintiff's Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions Filed Under Seal.

2. Attached as Exhibit A (filed under seal) are true and correct copies of excerpts from the deposition of Virginia Giuffre, designated as Confidential under the Protective Order.

3. Attached as Exhibit B are true and correct copies of Bates stamped documents GM\_00523-00528.

4. Attached as Exhibit C (filed under seal) are true and correct copies of excerpts from the April 22, 2016 deposition of Ghislaine Maxwell, designated as Confidential under the Protective Order.

5. Attached as Exhibit D (filed under seal) is a true and correct copy of the July 22, 2016 deposition of Ghislaine Maxwell, designated as Confidential under the Protective Order.

6. Attached as Exhibit E (filed under seal) are true and correct copies of excerpts from the deposition of Johanna Sjoberg, designated as Confidential under the Protective Order.

7. Attached as Exhibit F (filed under seal) are true and correct copies of excerpts from the deposition of Detective Joseph Recarey designated as Confidential under the Protective Order.

8. Attached as Exhibit G (filed under seal) are true and correct copies of excerpts from the deposition of Juan Alessi, designated as Confidential under the Protective Order.

9. Attached as Exhibit H (filed under seal) are true and correct copies of excerpts from the deposition of Tony Figueroa, designated as Confidential under the Protective Order.

10. Attached as Exhibit I (filed under seal) are true and correct copies of excerpts from the deposition of Rinaldo Rizzo, designated as Confidential under the Protective Order.

Dated: August 8, 2016

By: /s/ Jeffrey S. Pagliuca  
Jeffrey S. Pagliuca

### CERTIFICATE OF SERVICE

I certify that on August 8, 2016, I electronically served this *Declaration Of Jeffrey S. Pagliuca In Support Of Defendant's Response in Opposition to Plaintiff's Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions Filed Under Seal* via ECF on the following:

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
VIRGINIA L. GIUFFRE,  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
Defendant.  
-----X

**15-cv-07433-RWS**

**DEFENDANT’S RESPONSE IN OPPOSITION TO  
MOTION FOR PROTECTIVE ORDER AND MOTION FOR THE COURT TO DIRECT  
DEFENDANT TO DISCLOSE ALL INDIVIDUALS TO WHOM DEFENDANT HAS  
DISSEMINATED CONFIDENTIAL INFORMATION**

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Defendant Ghislaine Maxwell (“Ms. Maxwell”) files this Response (“Response) in Opposition to Plaintiff’s Motion for Protective Order and Motion for the Court to Direct Defendant to Disclose All Individuals to Whom Defendant Has Disseminated Confidential Information (“Motion”) (Doc. #335), and states as follows:

### **INTRODUCTION**

Plaintiff does not want to make public police reports which already are public and are freely available to any private citizen, media outlet or company who lodges a simple request with the relevant law enforcement agency. Her motives for hiding the information from the public eye are easily discernible from a simple review of the police reports. In painstaking detail, the reports contemporaneously document the falsity of Plaintiff’s claims against Ms. Maxwell, and therefore the substantial truth of statements attributed to Ms. Maxwell. The police reports are among the best records of Plaintiff’s lies. They are public documents and there is no good faith basis for Plaintiff’s attempt to render them hidden from public view, in her public lawsuit designed to promote her well-orchestrated media campaign.

The police reports reflect as to the late 1990s and early 2000s, Plaintiff’s substantial substance abuse, her lack of credibility, her failures of memory and her selective use of law enforcement. Regarding the year 2015, the police reports demonstrate Plaintiff’s tumultuous home life, bearing no relationship to any press statements or alleged defamation and providing alternative causation to any of Plaintiff’s now-claimed emotional distress. It makes perfect sense that Plaintiff would want to shield from the public eye these unflattering truths about her past and current circumstances. Yet, just because a document is unflattering does not make it “confidential,” under the terms of the protective order at issue in this case.

### **Factual Background**

Through sheer investigative determination, and in the face of Plaintiff's sworn denial that she has had *any contact* with law enforcement officials from 1996 to the present apart from supposed "active investigations involving Ghislaine Maxwell," counsel for Defendant unearthed numerous records of such contacts. In the time period just before and during her alleged "sexual slavery" to Jeffrey Epstein and Ghislaine Maxwell, Plaintiff interacted with law enforcement on numerous occasions.

- **November 1997** - Plaintiff, then 14 years old, was observed by law enforcement officers drunk in the backyard of a home during the middle of the school day. She was not "raped," as the Motion claims. She was observed engaging in a simulated sex act with her boyfriend who was then 17 years old. As all of the witnesses described, Plaintiff had voluntarily become intoxicated, made numerous passes at various members of their group, almost fallen into a canal, and then, when spotted by the school truancy officer, offered to have sex with him in exchange for not telling her parents she had failed to go to school that day. Both Plaintiff and her 17-year old boyfriend verified they had had sexual intercourse in the days before the report, and the boyfriend was charged with having sexual contact with a minor. Those were not the false allegations of sexual contact. Rather, on the way to the detox unit at the hospital, Plaintiff claimed she had been forcibly sexually assaulted by her friends. Plaintiff's claim of forced sexual assault was expressly refuted by the witnesses, who also verified Plaintiff's attempt to get out of trouble by offering to have sex with the truancy officer. While the young man was charged with statutory rape based on the admitted sexual intercourse, charges against him were ultimately dropped. Declaration of Laura A. Menninger ("Menninger Decl."), Ex. A (GM00784-00801). Consistent with Florida law, the records were redacted by the Palm Beach County Sheriff's Office for the identities and other identifying information of all juveniles as well as Plaintiff's parents.
- **January 1998** – In contradiction to Plaintiff's sworn testimony that she ran away from home at the age of 13, lived on the street for "months" without word from her family, and ultimately was rescued by the FBI in a SWAT raid from the clutches of a sexual predator named Ron Eppinger, the police documented a call from Plaintiff's mom that she ran away from home due to her recent "attitude change," "drug use" and "possible cult activities," was found four days later by her brother and returned to her family who had decided to involuntarily place her in a drug rehabilitation facility. Menninger Decl., Ex. B (GM00750-00754, 00783-00785). No reference to Ron Eppinger, an FBI SWAT raid, or months without family contact are reflected in the reports.

- **February 1998** - This report by the Palm Beach County Sheriff's Office documents Plaintiff's second false allegation of sexual assault in a four month period. Plaintiff, during the four days she was a runaway from home, asked to go out "partying" with two male friends of her boyfriend. After a ten-month investigation which included line-ups, witness interviews, and other police investigation, the prosecuting authorities decided against filing charges against the two based on Plaintiff's "lack of credibility" and "no substantial likelihood of success at trial." Menninger Decl., Ex. C (GM00755-00775). Consistent with Florida law, the records were redacted for the identity and identifying information as pertains to Plaintiff.

These same reports document that Plaintiff was a resident at a drug rehabilitation facility from at least February 1999 until December 1999, whereas she has sworn in deposition testimony, in affidavits, in pleadings, and in the Complaint in this case, that she was a "sex slave" to Jeffrey Epstein beginning in June 1999.

- **June 10, 2001** – Plaintiff's ex-fiancé, Michael Austrich, called the police after Plaintiff and her boyfriend, entered the apartment and the boyfriend punched Austrich in the face. Plaintiff apparently fled the scene with her boyfriend prior to the arrival of the police. The report documents that Plaintiff had a fiancé in or around June 2001, when she claims she was a "sex slave" to Jeffrey Epstein, that she lived in an apartment, and that she freely came and went with her boyfriend, including leaving the scene of a crime. Menninger Decl., Ex. D (GM00780-782). Plaintiff was not a claimed victim of this crime.
- **August 3, 2001** – Plaintiff (then a week shy of her 18<sup>th</sup> birthday) called police regarding a theft of cash from her shirt pocket in her apartment, during a party she was hosting there with a number of friends. The police took a report from Plaintiff, questioned her friends, but failed to apprehend a suspect. Menninger Decl., Ex. E (GM00777-00779). This report is during the time Plaintiff allegedly was a "sex slave" to Jeffrey Epstein. The report documents that she was not then being held captive by Mr. Epstein, was living independently in an apartment with her boyfriend and another friend, and that she obviously possessed the wherewithal at that time to contact law enforcement for perceived criminal law violations.
- **March 4, 2002** – Plaintiff (then 18) was charged with theft from her employer, the Roadhouse Grill. According to the police reports and court records, Plaintiff left mid-shift at approximately 7:45 p.m. and took all of the money from the tip jar. Menninger Decl., Ex. F (GM00802-809) The reports contradict Plaintiff's claimed "sexual slavery," by demonstrating she was working as a waitress at the same time. They also show that Plaintiff had an active warrant for her arrest at the time she moved to Australia in September 2002. Plaintiff was not a juvenile at the time and was charged as an adult.
- **June 2, 2002** Police report reflects Plaintiff's call for a civil assist. Plaintiff (then 18 years old) complained that her then landlord threw her abandoned belongings out as trash after she moved to a new location. The landlord said she had abandoned the items and yelled as she left: "You can keep the rest you bastard!"

Notably, the police report documents that neither the residences she was moving from or to involved the apartment Plaintiff claims was rented for her by Jeffrey Epstein and where she testified she lived exclusively from June 1999 until September 2002. Menninger Decl., Ex. G (GM00748-00749). Plaintiff was not a juvenile and the case was not documented as a crime.

Likewise, in Colorado, police records reflect that in March 2015, Plaintiff and her husband went to a bar drinking in the middle of the day, became intoxicated and returned home, wherein they became involved in a fight regarding the welfare of the family dog. Menninger Decl., Ex. H (GM00810-00840). Plaintiff alleges she was assaulted by her husband as witnessed by at least one of their children. Plaintiff's husband was charged with domestic violence, pled guilty and was placed on probation.

#### Designation as Confidential

After receiving Defendant's production of the police reports pursuant to Rule 26 disclosures, Plaintiff wrote a letter requesting the Documents be designated Confidential. Counsel for Ms. Maxwell promptly responded that the documents are publicly available and therefore should not be designated as "Confidential." *See* Declaration of Meredith Schultz, Ex. 1. While Plaintiff wrote a letter outlining the same frivolous legal arguments she incorporates here and as addressed more fully below, defense counsel never acquiesced to her request and she failed to pursue a judicial determination of the matter until August 8, 2016, nearly three months later, thus, Plaintiff has waived any claim of confidentiality.

### **I. THE DOCUMENTS AT ISSUE ARE NOT CONFIDENTIAL**

#### **A. Plaintiff's Police Records Are Publicly Available from Law Enforcement Agencies in Florida and Colorado**

Any private citizen, media outlet, or public entity can legally obtain the police reports at issue by interposing a simple request to the law enforcement agency and paying any applicable

copying and redaction fees. As such, there is no “privacy” interest in preserving these documents obtained in such fashion as “Confidential” under the Protective Order.

Indeed, in February 2015, the *New York Daily News* apparently obtained the police reports concerning Plaintiff’s false claim of sex assault from February 1998, interviewed one of the two boys accused and the lawyer for the other, and published substantial details obtained from the police reports. *See* Oren Yaniv, “Alleged ‘sex slave’ of Jeffrey Epstein, Prince Andrew accused 2 men of rape in 1998, but was found not credible,” *New York Daily News* (Feb. 23, 2015), <http://www.nydailynews.com/news/world/sex-slave-prince-andrew-accused-2-men-rape-1998-article-1.2125569> (last accessed Feb. 24, 2016). Remarkably, Plaintiff’s counsel provided an interview for that article and gave her own inaccurate characterization of the prosecuting authority’s findings. *See, id.* (“For the prosecutors to describe her as not credible means only that they did not think they had sufficient evidence to win. But she was raped,’ the lawyer said in a statement.”). Unfortunately, counsel’s characterization of the police reports is directly contradicted by the police reports themselves, which found that Plaintiff “lacked credibility” and there was a “no reasonable probability of success at trial.” *Compare id.* and Menninger Decl., Ex. C (GM00775) (“this case is no filed due to the victim’s lack of credibility and no substantial likelihood of success at trial”). The prosecutor did not say (as counsel claimed in the news article) that they lacked “sufficient evidence” to win. Now, Plaintiff’s counsel having put her own false public spin on the Palm Beach authorities’ findings wants to preclude others from correcting the public record with the actual findings contained in the report.

The records are not confidential because they are accessible by the public, can be (and have been) accessed by the media, and Plaintiff’s counsel has inaccurately characterized the

finding regarding Plaintiff's credibility to the media, and thus cannot be heard to complain that the records – exposing her mischaracterization – should be kept from the public eye.

### **B. No State Statute Forbids Disclosure of the Documents**

There is no merit to Plaintiff's seriously misleading—and groundless—argument that various Florida and Colorado statutes forbid disclosure of the police reports. They do not. Plaintiff cites sections Florida Statutes 39.202(6), 119.071, 794.026 and 985.04 & .036 and Colorado Revised Statutes §§ 13-90-107(k) & 19-1-301, *et seq.*, as support for her arguments.<sup>1</sup> None of these statutes support her arguments.

#### Florida Laws

**Section 39.202** does not apply to the Documents. That provision relates to records held by the Florida Department of Children and Families. Each Florida document at issue here is stamped prominently as “Certified Copy by the Palm Beach County Sheriff's Office.” Menninger Decl., Ex. A-F. None of the Documents were obtained from the Department of Children and Families. Section 39.202 relates to records held by that Department related to child abuse and neglect. None of the Florida documents relates to child abuse or neglect.

**Section 119.071** exempts from Florida's open-records laws any *videotaped statement of a minor* who is allegedly the victim of sexual battery. First, there is no “videotaped statement” of Plaintiff contained within the Documents. Fla. Stat. § 119.071(2)(j)(2)(a). Second, the prohibitions only apply to the *identity* of the alleged victim. *See id.* & subsection (2)(h)1.b (“the *identity* of a person who is a victim of any sexual offense” exempt from Florida open-records laws). Here, the defense obtained **identity-redacted** copies of the police reports and disclosed them to Plaintiff. Indeed, the Sheriff's Office completed and provided a form with a list of state requirements regarding redaction and, consistent with their practice, checked the box indicating

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<sup>1</sup> Plaintiff also cited Fla. Stat. § 985.054. There is no such statute.



redactions pursuant to “119.071(2)(h)(1) Identity of victim of sexual battery, lewd and lascivious offense upon a person less than 16 years old, child abuse, sexual offense.” Menninger Decl., Ex. C (GM00755) and Ex. B (GM00784). Accordingly, the Sheriff’s Office did not violate section 119.071 by producing identity-redacted copies of police reports concerning Plaintiff.

Florida Statutes **Section 985.036 and 985.04(1)(a)** pertain to juvenile-justice records, none of which are included within the Documents. In fact, a “child” is defined by that subsection to apply only to “mean[] any person under the age of 18 or any person who is alleged to have committed a violation of law occurring prior to the time that person reached the age of 18 years.” The records pertaining to Plaintiff’s **commissions of crimes occurred after she was 18 years old.** Florida Stat. 985.03. None of the Documents are juvenile-justice records; they are police reports.

Finally, **section 794.026** bears no relevance to the Florida Documents. That statute creates a cause of action by a sexual crime victim against any person who, “prior to open judicial proceedings,” communicates “the name, address, or other specific identifying information” concerning the victim. The statute is irrelevant here. One, the identifying information in the police reports in this case was *redacted*, and therefore was not communicated to anyone. No “name, address or other specific identifying information” is contained in the documents. Two, the case at bar is an “open judicial proceeding”<sup>2</sup> involving Plaintiff as a person who falsely has claimed to be a sexual assault crime victim; a number of such open judicial proceedings have preceded this one and, accordingly, the statute is inapplicable.

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<sup>2</sup> *Miami Herald Publ’g Co. v. Chappell*, 403 So. 2d 1342, 1344 (Fla. Ct. App. 1981).

Colorado Statutes

Plaintiff also cites Colorado statutes which, she claims, support the proposition that her identity as the victim of domestic violence is protected by Colorado law. It is not. **Section 13-90-107(k)**,<sup>3</sup> is a testimonial privilege statute, not a document-confidentiality statute. That provision forbids a victim's advocate from being required to testify concerning any communications with an alleged victim of domestic violence or assault. No one has sought testimony from any victim's advocate in these proceedings. The Colorado documents also do not contain Plaintiff's communications to any victim's advocate. Menninger Decl., Ex. H.

Plaintiff also cites **Colorado Rev. Stat. § 19-1-301 and 302** for the proposition that the identities of her children cannot be disclosed. Those provisions maintain the confidentiality of records pertaining to juvenile justice actions *against* children. The documents at issue do not relate to any such action; the children were witnesses to an alleged crime committed by Plaintiff's husband against her, not the subjects of any criminal action themselves.

**C. All Documents Were Redacted Appropriately By the Law Enforcement Agencies**

The police reports from Florida that pertain to juveniles who are alleged victims of criminal sexual conduct (as opposed to Plaintiff's own criminal conduct as an adult and her request for civil assist as an adult) were redacted consistent with Florida law. Indeed, both reports wherein she made allegations of sexual misconduct were provided along with a checklist demonstrating that the law enforcement agency redacted the reports consistent with Florida law. The Florida law protects the identity of the alleged victim and the police reports produced by Defendant were all identity-redacted. *See* Menninger Decl., Ex. C and B (GM00755 and 00784).

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<sup>3</sup> "A victim's advocate shall not be examined as to any communication made to such victim's advocate by a victim of domestic violence...or a victim of sexual assault, in person or through the media of written records or reports without the consent of the victim." C.R.S. § 13-90-107(k)(1).

Plaintiff has not cited any authority for the redaction of information from the Colorado police reports.

## **II. PLAINTIFF HAS WAIVED ANY ARGUMENT AS TO CONFIDENTIALITY**

### **A. Plaintiff Failed to Timely Move this Court to Uphold Her Designation of the Documents as Confidential**

The Protective Order in this case puts the onus on the person seeking a “Confidential” designation to either (a) resolve the matter with the opposing party, or (b) seek Court resolution.

The Protective Order at ¶ 11 provides:

“If the parties cannot resolve the objection within ten (10) business days after the time the notice is received, it shall be the obligation of the party designating the information as CONFIDENTIAL to file an appropriate motion requesting that the Court determine whether the disputed information should be subject to the terms of this Protective Order. *If such a motion is timely filed*, the disputed information shall be treated as CONFIDENTIAL under the terms of this Protective Order until the Court rules on the motion. *If the designating party fails to file such a motion within the prescribed time*, the disputed information shall lose its designation as CONFIDENTIAL and shall not thereafter be treated as CONFIDENTIAL in accordance with this Protective Order.” (Doc. # 62)

It is undisputed that the defense challenged Plaintiff’s designation of the materials as Confidential on May 18, 2016 and it is also undisputed that the parties could not resolve the objection within ten days after notice of the objection was received. Plaintiff did not file a motion requesting the Court to determine whether the material should be subject to the Protective Order *for three months*, hence, she did not file such a motion within the prescribed time, and the Protective Order now commands that the “disputed information shall lose its designation as Confidential” and “shall not thereafter be treated as Confidential.” *Id.*

### **B. Plaintiff’s Counsel Has Repeatedly and Publicly Filed In This Case Numerous Publicly Available Police Reports With Redacted Juvenile Information**

In complete contradiction to her legal position in this Motion, Plaintiff and her counsel have repeatedly filed in public documents associated with this case, police reports from Florida

pertaining to alleged victims of sexual abuse by Jeffrey Epstein. Beginning December 10, 2015 when Plaintiff filed her Response in Opposition to the Motion to Stay (Doc. # 21-7), then again on March 14, 2016 (Doc. # 55-2) and on May 5, 2016 (Doc. #144-3), May 11, 2016 (Doc. # 153-6), and May 27, 2016 (Doc. # 173-8), Plaintiff filed on ECF Palm Beach Police Department reports that contain references to alleged juvenile victims of sexual misconduct, with the names of the alleged victims redacted. If Plaintiff truly believes that police reports with redacted identifying information such as these are “confidential,” why has she been the one to publicly disseminate such reports? Where did she obtain these reports? Was it “theft” of “sealed juvenile records” for her to have those police reports?

It would seem the juveniles referenced in the reports filed by Plaintiff, juveniles who have never brought public defamation lawsuits, juveniles who have never been paid hundreds of thousands of dollars by the tabloids for their stories, are entitled to more protection from publicity than is Plaintiff. Her position that identity-redacted police reports should be kept Confidential is belied by her own repeated, public, self-serving court filings in this case.

### **CONCLUSION**

WHEREFORE, Ms. Maxwell requests the Court enforce the Protective Order, deny Plaintiff’s motion to make publicly available police reports “Confidential” under the terms of the Protective Order in this case, and award attorneys’ fees and costs associated with the filing of this Response to Ms. Maxwell.

Dated: August 18, 2016.

Respectfully submitted,

*/s/ Laura A. Menninger*

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Laura A. Menninger (LM-1374)  
Jeffrey S. Pagliuca (*pro hac vice*)  
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*Attorneys for Ghislaine Maxwell*

**CERTIFICATE OF SERVICE**

I certify that on August 18, 2016, I electronically served this *Defendant's Response in Opposition to Plaintiff's Motion for Protective Order and Motion for the Court to Direct Defendant to Disclose All Individuals to Whom Defendant Has Disseminated Confidential Information* via ECF on the following:

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StanPottinger@aol.com

/s/ Nicole Simmons

Nicole Simmons



# **EXHIBIT A**

**PALM BEACH COUNTY SHERIFF'S OFFICE  
CENTRAL RECORDS  
FSS EXEMPTIONS/CONFIDENTIAL**

- |                                                                                                                                                                                                                   |                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 119.071(2)(c) Active criminal intelligence/active criminal investigative Information                                                                                                     | <input type="checkbox"/> 119.071(5)(g)1 Biometric Identification Information (Fingerprints, palm prints, and footprints)                                                                 |
| <input type="checkbox"/> 119.071(2)(e) Confession                                                                                                                                                                 | <input type="checkbox"/> 119.071(2)(f) Confidential Informants                                                                                                                           |
| <input type="checkbox"/> 365.171(15) Identity of 911 caller or person requesting emergency service                                                                                                                | <input type="checkbox"/> 316.066(5)(a) Crash reports are confidential for period of 60 days after the report is filed                                                                    |
| <input type="checkbox"/> 119.071(2)(d) Surveillance techniques, procedures, and personnel inventory of law enforcement resources, policies or plans pertaining to mobilization, deployment or tactical operations | <input checked="" type="checkbox"/> 119.071(2)(h)(1) Identity of victim of sexual battery, lewd and lascivious offense upon a person less than 16 years old, child abuse, sexual offense |
| <input type="checkbox"/> 119.071(2)(l) Assets of crime victim                                                                                                                                                     | <input type="checkbox"/> 985.04(1) Juvenile offender records                                                                                                                             |
| <input type="checkbox"/> 119.071(5)(a)(5) Social security numbers held by agency                                                                                                                                  | <input type="checkbox"/> 119.0712(2) Personal information contained in a motor vehicle record                                                                                            |
| <input type="checkbox"/> 119.071(5)(b) Bank account #, debit, charge and credit card numbers held by an agency                                                                                                    | <input type="checkbox"/> 119.071(2)(b) Criminal intelligence/investigative information from a non-Florida criminal justice agency                                                        |
| <input type="checkbox"/> 395.3025(7)(a) and/or 456.057(7)(a) Medical information                                                                                                                                  | <input type="checkbox"/> 394.4615(7) Mental health information                                                                                                                           |
| <input type="checkbox"/> 943.053/943.0525 NCIC/FCIC/FBI and in-state FDLE/DOC                                                                                                                                     | <input type="checkbox"/> 119.071(4)(c) Undercover personnel                                                                                                                              |
| <input type="checkbox"/> 119.07(4)(d) Extra fee if request is voluminous or requires extensive personnel, technology                                                                                              | <input type="checkbox"/> 119.071(4)(d)(1) Home address, telephone, soc. security #, photos of active/former LE personnel, spouses and children                                           |

GM\_00784

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TO BE A TRUE COPY  
RIC L. BRADSHAW, SHERIFF

Tracking 16-04-2729

RP 97-002687

Clerk Name/ID: M Took #8557

Date: 04/25/2016

Revised 03/04/2011

Date: 4/25/16 ROYAL PALM BEACH POLICE DEPARTMENT Page: 1  
 Time: 8:52:07 Offense Report Program: CMS301L

Day Of Week : Tuesday Report Date : 11/04/97 10:55  
 Occur From Date: 11/04/97 10:52 Occur To Date : 11/04/97 10:52  
 Dept Class : SEX OFFENSE - LEWD AND LASCIVIOUS  
 Street Number : WILLOWS, 156 MARTIN CIR  
 City : ROYAL PALM BEACH, FL 33411  
 Zone/division : Zone Two (2) (So of Okee/E thr Wil)  
 Location Type : RES-SNGL FAMILY Case Status : CLEARED BY ARREST  
 Report Officer : MANCINO, JR, DOMINIC  
 Supervisory Emp: HUGHES, THOMAS 11/09/97  
 Verif. Employee: MANCINO, JR, DOMINIC 11/04/97  
 Case Status Dt : 11/25/97

\*\*\*\*\* C A S E M A N A G E M E N T I N F O R M A T I O N \*\*\*\*\*

Case Number : 1-97-002687  
 Dept Class : SEX OFFENSE - LEWD AND LASCIVIOUS  
 Case Status : CLEARED BY ARREST Case Status Dt : 11/25/97  
 Investigator : ROBKin, R.

\*\*\*ASSIGNMENT HISTORY\*\*\*

Case Number : 1-97-002687 Dept Unit : DETECTIVE  
 Investigator : ROBKin, ROBERT Supervisor : PERVENECKI, DAVID  
 Assignment Date: 11/04/97

\*\*\*\*\* O F F E N S E R E P O R T # 1 \*\*\*\*\*

State Class : Sex Offenses - Incest/Indecent Exp  
 Attmpt/Committ : Committed Statute/Ordin : 800.04  
 State Dispo : Adult UCR Disposition: Cleared by Arrest  
 Exception Clear: ARRESTED ON PRIMARY OFFENSE  
 Arrest Case No.: 1-97-006345 People Arrested: 1

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 1 \*\*\*\*\*

Category : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CONSUMABLE GOODS Quantity : 1  
 Description : SEAGRAMS VO LIQUOR Value : 1.00  
 Recovered by : OFC. MANCINO Recovered Date : 11/04/97  
 Property type : FOOD/LIQUOR/CONSUMABLE Recovery value : 1.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 2 \*\*\*\*\*

Category : SAFEKEEPING UCR Prop Type : MISCELLANEOUS  
 Quantity : 1  
 Serial number : W/BOOKS, PAPERS AND CLOTHING  
 Description : BOOK BAGS Value : 1.00  
 Recovered by : OFC. MANCINO Recovered Date : 11/04/97  
 Property type : MISCELLANEOUS Recovery value : 1.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 3 \*\*\*\*\*

Category : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : MISCELLANEOUS Quantity : 4  
 Serial number : BACKYARD OF 156 MARTIN CIRCLE  
 Description : POLAROID PICTURES Value : 1.00  
 Recovered by : OFC. MANCINO Recovered Date : 11/04/97  
 Property type : MISCELLANEOUS Recovery value : 1.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 4 \*\*\*\*\*

CERTIFIED  
 TO BE A TRUE COPY  
 RIC L. BRADSHAW, SHERIFF  
 GM\_00785

-----  
Date: 4/25/16 ROYAL PALM BEACH POLICE DEPARTMENT Page: 2  
Time: 8:52:07 Offense Report Program: CMS301L  
-----

1-97-002687 (Continued)

Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
Name . . . : ADIDAS Description . : SHOES  
Value . . . : 65.00 Recovered by . : OFC. WIKSE  
Recovered Date : 11/04/97 15:25 Property type : CLOTHING/FURS  
Recovery value : 65.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 5 \*\*\*\*\*  
Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
Description . : SOCKS Value . . . : 1.00  
Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 15:25  
Property type : CLOTHING/FURS Recovery value : 1.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 6 \*\*\*\*\*  
Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
Description . : JENCO Value . . . : 55.00  
Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 15:25  
Property type : CLOTHING/FURS Recovery value : 55.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 7 \*\*\*\*\*  
Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
Description . : BOXER SHORTS Value . . . : 5.00  
Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 15:25  
Property type : CLOTHING/FURS Recovery value : 5.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 8 \*\*\*\*\*  
Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
Name . . . : MECCA Description . : T SHIRT  
Value . . . : 30.00 Recovered by . : OFC. WIKSE  
Recovered Date : 11/04/97 15:25 Property type : CLOTHING/FURS  
Recovery value : 30.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 9 \*\*\*\*\*  
Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
Name . . . : BUSCH Description . : BUSCH T SHIRT  
Value . . . : 15.00 Recovered by . : OFC. WIKSE  
Recovered Date : 11/04/97 15:25 Property type : CLOTHING/FURS  
Recovery value : 15.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 10 \*\*\*\*\*  
Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
Description . : GREEN/WHITE SHIRT Value . . . : 30.00  
Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 15:20  
Property type : CLOTHING/FURS Recovery value : 30.00

\*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 11 \*\*\*\*\*

CERTIFIED  
TO BE A TRUE COPY  
RIC L. BRADSHAW, SHERIFF  
GM\_00786

Date: 4/25/16 ROYAL PALM BEACH POLICE DEPARTMENT Page: 3  
Time: 8:52:07 Offense Report Program: CMS301L

1-97-002687 (Continued)

Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
Name . . . . : 26 RETREDD Description . : SHOES  
Value . . . . : 59.00 Recovered by . : OFC. WIKSE  
Recovered Date : 11/04/97 15:20 Property type : CLOTHING/FURS  
Recovery value : 59.00

## \*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 12 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
Name . . . . : MAX SPORT Description . : PANTS  
Value . . . . : 1.00 Recovered by . : OFC. WIKSE  
Recovered Date : 11/04/97 15:20 Property type : CLOTHING/FURS  
Recovery value : 1.00

## \*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 13 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
Description . : BOXER SHORTS Value . . . . : 1.00  
Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 15:20  
Property type : CLOTHING/FURS Recovery value : 1.00

## \*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 14 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 2  
Description . : SOCKS Value . . . . : 1.00  
Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 14:40  
Property type : CLOTHING/FURS Recovery value : 1.00

## \*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 15 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 2  
Name . . . . : NIKE Description . : SHOES  
Value . . . . : 90.00 Recovered by . : OFC. WIKSE  
Recovered Date : 11/04/97 14:40 Property type : CLOTHING/FURS  
Recovery value : 90.00

## \*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 16 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
Description . : T SHIRT Value . . . . : 1.00  
Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 14:40  
Property type : CLOTHING/FURS Recovery value : 1.00

## \*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 17 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
Description . : BOXER SHORTS Value . . . . : 1.00  
Recovered by . : OFC. WIKSE Recovered Date : 11/04/97 14:40  
Property type : CLOTHING/FURS Recovery value : 1.00

## \*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 18 \*\*\*\*\*

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Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Serial number : BL/WHT Description . . : CLINCH SHIRT  
 Value . . . : 25.00 Recovered by . : OFC. WIKSE  
 Recovered Date : 11/04/97 14:40 Property type : CLOTHING/FURS  
 Recovery value : 25.00

## \*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 19 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Name . . . : THIRD RAIL Description . . : THIRD RAIL JEANS  
 Value . . . : 35.00 Recovered by . : OFC. WIKSE  
 Recovered Date : 11/04/97 14:40 Property type : CLOTHING/FURS  
 Recovery value : 35.00

## \*\*\*\*\* P R O P E R T Y I N F O R M A T I O N # 20 \*\*\*\*\*

Category . . . : PROP/EVIDENCE--NO VALUE  
 UCR Prop Type : CLOTHING AND FURS Quantity . . . : 1  
 Serial number : MULTI COLOR LEATHER Description . . : BELT  
 Value . . . : 10.00 Recovered by . : OFC. WIKSE  
 Recovered Date : 11/04/97 14:40 Property type : CLOTHING/FURS  
 Recovery value : 10.00

## \*\*\*\*\* V E H I C L E I N F O R M A T I O N # 1 \*\*\*\*\*

Case number . : 1-97-002687

## \*\*\*\*\* C O M P L A I N A N T I N F O R M A T I O N - # 1 \*\*\*\*\*

Case Number . : 1-97-002687 Last Name . . : [REDACTED]  
 Street Number [REDACTED]  
 City . . . [REDACTED]  
 Home Phone No. [REDACTED] Business Phone : 561/000-0000  
 Birth Date . . : 11/01/1938 59 Birth Country : Unknown  
 Oper Lic Cntry : Unknown Race . . . : Black  
 Sex . . . : Female Ethnic Origin : BLACK

## \*\*\*\*\* S U S P E C T / A R R E S T E E I N F O R M A T I O N - # 1 \*\*

Case Number . : 1-97-002687 Prompt valid in: [REDACTED]  
 Street Number [REDACTED]  
 City . . . [REDACTED]  
 Home Phone No. [REDACTED] Business Phone : 561/000-0000  
 Birth Date . . : [REDACTED] 17 Maximum Age . : 17  
 Birth Country : Unknown Oper Lic Cntry : Unknown  
 Race . . . : White Sex . . . : Male  
 Ethnic Origin : WHITE Minimum Height : 509  
 Minimum Weight : 150 Hair Color . . : Black  
 Hair Length . : Short (Up to 1/2") Eye Color . . : Brown  
 Complexion . . : Medium Facial Hair . : Mustache Only  
 Teeth . . . : Normal Build . . . : MEDIUM  
 Speech . . . : Normal Status . . . : Arrested  
 Arrest Case No.: 1-97-006345 Shirt . . . : BLK BAGGY PANTS

## \*\*\*\*\* S U S P E C T / A R R E S T E E I N F O R M A T I O N - # 2 \*\*

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Case Number . : 1-97-002687 Prompt valid in: [REDACTED]  
Street Number : [REDACTED]  
City . . . . . : [REDACTED]  
County . . . . . : PALM BEACH Home Phone No. : [REDACTED]  
Business Phone : 407/000-0000 Birth Date . . : 3/01/1980 17  
Maximum Age . : 17 Birth City . . : AC, FL  
Birth Country : United States  
Oper Lic No. . : V616410800810 FL United States  
Race . . . . . : White Sex . . . . . : Male  
Ethnic Origin : WHITE Minimum Height : 504  
Maximum Height : 504 Minimum Weight : 120  
Maximum Weight : 120 Occupation . . : STUDENT  
Hair Color . . : Black Hair Length . : Medium (Up to 2")  
Hair Style . . : Parted in Center Eye Color . . : Blue  
Complexion . . : Fair Facial Hair . : Mustache Only  
Teeth . . . . . : Normal Build . . . . . : MEDIUM  
Speech . . . . . : Normal Status . . . . . : Still Suspect  
Pants . . . . . : BLK JEANS

\*\*\*\*\* V I C T I M I N F O R M A T I O N - # 1 \*\*\*\*\*

Case Number . : 1-97-002687 Prompt valid in: [REDACTED]  
Street Number : [REDACTED]  
City . . . . . : [REDACTED]  
Home Phone No. : [REDACTED] Business Phone : 561/000-0000  
Birth Date . . : 8/09/1983 14 Birth Country : Unknown  
Oper Lic Cntry : Unknown Race . . . . . : White  
Sex . . . . . : Female Ethnic Origin : WHITE  
Residency Type : Royal Palm Beach Residency Sts : Full Year  
Victim Type . : Juvenile

\*\*\*\*\* O T H E R P E R S O N I N F O R M A T I O N - # 1 \*\*\*\*\*

Case Number . : 1-97-002687 Last Name . . : [REDACTED]  
Person Type . : OTHER PERSON  
Street Number : [REDACTED]  
City . . . . . : [REDACTED]  
Home Phone No. : [REDACTED] Business Phone : 561/000-0000  
Birth Date . . : 6/22/1983 14 Birth Country : Unknown  
Oper Lic Cntry : Unknown Race . . . . . : White  
Sex . . . . . : Female Ethnic Origin : WHITE

\*\*\*\*\* O T H E R P E R S O N I N F O R M A T I O N - # 2 \*\*\*\*\*

Case Number . : 1-97-002687 Last Name . . : [REDACTED]  
Person Type . : OTHER PERSON  
Street Number : [REDACTED]  
City . . . . . : [REDACTED] 334110000  
County . . . . . : PALM BEACH Home Phone No. : [REDACTED]  
Business Phone : 407/000-0000 Birth Date . . : 7/06/1981 16  
Birth City . . : WEST PALM BEACH, FL Birth Country : United States  
Race . . . . . : White Sex . . . . . : Female  
Ethnic Origin : WHITE Height . . . . . : 505  
Weight . . . . . : 110

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\*\*\*\*\* N A R R A T I V E # 1 \*\*\*\*\*  
Original Report Reported By: MANCINO, JR, DOMINIC A. 11/05/97  
Entered By: JARRETT, DAWN M. 11/10/97

On 11/4/97 at 1052 hours, I responded to 156 Martin Circle in regards to six juveniles acting suspicious in the backyard of 156 Martin Circle. On arrival I met with Adella Onen a elderly b/f complainant at 10:55 hours. Ms. Oneal stated that at approximately 1045 hours, she woke from her sleep. Oneal stated that she looked into her backyard and observed six juveniles in her back yard three w/m's and three w/f's. Oneal stated that while she was watching the juveniles she observed that a blonde w/f was acting very intoxicated. Oneal stated that she observed a w/m wearing a jacket and baggy black pants kissing and laying on top of the intoxicated w/f. Oneal stated that while the intoxicated w/f was laying on the ground all of the other subjects were slapping her across the face yelling at the intoxicated w/f to wake up. I then walked into the backyard of [REDACTED]

I observed the six subjects laying on the ground near the canal. As I was walking towards the subjects I observed a w/m laying on top of a blonde, w/f. I observed that the w/f was wearing a multi colored dress which was above her hips, she had her legs wrapped around the w/m's hips and her ankles were locked together. I observed that the w/m was moving his hips side to side and he was moving his pelvic area in a up and down motion.

I then identified the two on top of each other as [REDACTED] and [REDACTED]. I then observed the other four juveniles who were just west of [REDACTED] and [REDACTED]. The two females were sitting in an upward position and they are [REDACTED] and [REDACTED]. The two other males who were laying down was [REDACTED] and [REDACTED]. The four subjects appeared to be watching [REDACTED] and [REDACTED] and laughing.

I then had [REDACTED] get off of [REDACTED]. I observed that [REDACTED] was very intoxicated, she was unable to stand on her legs. She was unable to crawl and she was clutching onto [REDACTED] crying, holding his leg's and around his neck.

Based on [REDACTED] intoxicated condition, a ambulance was called to transport her to [REDACTED] to check on her condition. I then met with [REDACTED] and his mother. I advised [REDACTED] of his Miranda rights, which he stated that he understood. [REDACTED] stated that [REDACTED] [REDACTED] and [REDACTED] came over to his home at [REDACTED] at 0930 hours. Collazo stated that his mother was upset to see the five inside her home and not in school. [REDACTED] stated his mother made all the subjects leave the house. [REDACTED] stated that after his ride did not show up to take him to a job interview he went outside, talked to a neighbor, then took some pictures of his home that was recently placed on the

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market. [REDACTED] stated that while he was standing outside, one of the subjects that was at his home earlier ran up to him and stated that [REDACTED] was in bad shape because of her intoxicated condition and she needed [REDACTED] help. [REDACTED] stated that he ran into the backyard of [REDACTED] and observed [REDACTED] rolling around on the grass and almost falling into the canal. [REDACTED] stated that the other parties in the backyard was not helping her and he feared that [REDACTED] was going to fall into the canal. [REDACTED] stated that he laid on top of [REDACTED] to keep her from falling into the canal.

I then asked [REDACTED] if he did or ever has had sexual intercourse with [REDACTED] and if he was the person that gave [REDACTED] that liquor she drank. [REDACTED] stated he did not give [REDACTED] any liquor and he said that he has never had sexual relations with [REDACTED].

The six juvenile's were handled in the following manner. Mr. [REDACTED] was turned over to his mother at [REDACTED] Mr. [REDACTED] and [REDACTED] were transported back to [REDACTED] by Officer Wikse. [REDACTED] and [REDACTED] were transported to the West Palm Beach Truancy Center by Officer Wensyel. [REDACTED] was transported to the hospital. [REDACTED] implied that she had sexual intercourse with some of the people that I observed in the rear of [REDACTED] to the emergency persons that was in the ambulance.

I then was advised of this information and this incident was turned over to the Detective Division.

\*\*\*\*\* N A R R A T I V E # 2 \*\*\*\*\*  
SUPPLEMENT Reported By: WIKSE, JOHN C. 11/04/97  
Entered By.: JARRETT, DAWN M. 11/10/97

On 11/5/97 at 1113 hours, I was dispatched as a backup unit to 156 Martin Circle in reference to a juvenile call.

Upon arrival I met with Sgt. T. Hughes who was standing with a group of six juveniles, three w/m and three w/f. Ofc. Mancino was present and had already run all of the names through dispatch who had called the [REDACTED] and confirmed that all present was truant, with the exception of [REDACTED] who is not enrolled in school. RPB EMS was also on scene dealing with one of the w/f who was identified as [REDACTED]. It appeared that [REDACTED] had been drinking and she was unable to stand and was hysterical. EMS transported [REDACTED] to [REDACTED] and Sgt. Hughes asked me to transport one of the w/m's. [REDACTED] back to the High School and obtain a contact number for [REDACTED] parents. Upon my arrival at the High School I dropped [REDACTED] off at the student services office and I proceeded to the nurses offices where I obtained four emergency contact numbers for [REDACTED] parents. I attempted all of these numbers numerous times to no

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avail. I called down to the [REDACTED] and asked to speak with paramedics. I spoke with [REDACTED] who told me that [REDACTED], while enroute to the hospital, had found grass and twig material in the patients panties and had received a spontaneous statement from the patient in reference to being raped. I notified Sgt, Hughes of this and he had me respond to the E.R. to stand by for detectives. Upon arrival, at the E.R., I met with [REDACTED] who stated that while enroute to the E.R. she was conducting a head to toe evaluation when the patient stated that she had to urinate. Par [REDACTED] was assisting [REDACTED] remove her panties when she noticed grass and twig particles in the crotch area of [REDACTED] panties as well as a small amount of blood, an unknown clear substance, and a substance which appeared to be semen. She also saw abrasions on [REDACTED] buttocks. [REDACTED] began screaming, "they held me down, they fucked me, they fucked me!" "I told them to stop, I thought they were my friends! Why would they do this to me? Am I pregnant?! Am I pregnant?!" I told [REDACTED] that I would need a witness statement from her in reference to these statements. She advised that she would complete the witness statement at the Fire Station and drop it off at the Police Station.

I remained at the E.R. and made several more attempts to contact [REDACTED] parents, again to no avail. Approximately 20 minutes later Detectives Pervenecki and Robeson responded to the E.R. and took over. I returned to the Police Department where Sgt. Hughes told Ofc. Wensyel and I to go find w [REDACTED] and [REDACTED]. Sgt. Hughes told us that their clothing would be needed for possible evidence and to ask them to come in on a voluntary basis. While enroute to [REDACTED] residence at [REDACTED] Ofc. Wensyel and I were southbound on Wildcoat Way at Willows Park when we noticed [REDACTED] crossing the road. Ofc. Wensyel stopped and spoke with Ian who agreed to come in voluntarily. We then proceeded to [REDACTED] where I was able to locate [REDACTED] and notify his mother of the situation. Marcus also agreed to come in voluntarily. Ofc. Wensyel transported both individuals to the P.D. while I remained and took four photo's of the residence/yard located at [REDACTED]. Upon completing this I responded to [REDACTED] and made contact with w/m, [REDACTED] who also agreed to come in on a voluntary basis.

Upon arrival at the Royal Palm Beach Police Department I made contact with Ofc. Mancino and gave him the pictures that I had taken. All juveniles had been separated and notifications were made to their parents. Det. Robkin responded and was briefed on the situation. I took each individual into the traffic office and had them change clothes. I placed their old clothing into evidence bags and Ofc. Mancino placed these bags into evidence bins.

\*\*\*\*\* N A R R A T I V E # 3 \*\*\*\*\*  
SUPPLEMENT Reported By: ROBESON, JERRY R. 11/04/97  
Entered By.: JARRETT, DAWN M. 11/10/97

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On Tuesday, November 4, 1997 I was dispatched to Palm's West Hospital in reference to a suspicious incident. The juvenile victim, [REDACTED] was transported to the hospital by Royal Palm Beach Fire Department. There were allegations made by [REDACTED] that she may have been forced to have sex. (See original report).

Patricia Badu-Tweneboah, Counselor/Advocate from Victim Services was dispatched to the hospital. Patricia met with the victim and the parents of [REDACTED] in reference to the incident. A rape kit was done at the hospital by [REDACTED]

I interviewed [REDACTED] parents, [REDACTED] and [REDACTED] at the hospital. After explaining the incident to them, they stated that [REDACTED] had met [REDACTED] at school. On Sunday, November 2, 1997, the [REDACTED] first met [REDACTED]. They spent the entire day with [REDACTED] and eventually dropped him off at his residence. On Tuesday, November 4, 1997, [REDACTED] stated that she dropped [REDACTED] off at [REDACTED] for school. They also stated that [REDACTED] had previously been sexually active but, felt that she was not currently sexually active.

After the examination was done by [REDACTED] I interviewed [REDACTED]. [REDACTED] said that she didn't go to school and was with [REDACTED] and a group of friends. There were males and females in the group. Some of the juveniles [REDACTED] didn't know because she only met them today. [REDACTED] said that she remembers her legs being opened and being touched by individuals. She stated that her friends were laughing and saying something to the effect of "you will like it or enjoy it". [REDACTED] had her clothes on during the incident. She said that she had about five sips of alcohol and all her friends were drinking. [REDACTED] said that she had known [REDACTED] only a few days and she had been sexually active with him. She also remembered being kissed on her lips by a female that possibly was her friend, [REDACTED]. Virginia appeared to be very lethargic during the interview.

After the interview, I transported the collected evidence to the police station and proceeded to the [REDACTED] residence at [REDACTED]. I met with Mr. and Ms. [REDACTED]. Ms. [REDACTED] said that she saw a group of juveniles in front of her residence at around 9:00 A.M. [REDACTED] was at home, so she questioned him about the juveniles and found out they were some of his friends. At around 9:30 A.M., Ms. [REDACTED] told [REDACTED] that the group had to leave from her residence. Around 10:00 A.M., [REDACTED] told his mother that he was going to take pictures of their residence for their neighbor (the neighbor is helping them sell their residence). At about 11:00 A.M., Ms. [REDACTED] stated that she saw the Royal Palm Beach Fire Rescue with an unknown girl. Mr. [REDACTED] said that he wasn't missing any liquor from his residence.

On Wednesday, November 5, 1997, Marcus Collazo came to the

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police station in reference to property. I released two lighters, paper, seven dollars and sixteen cents, and a key on a weave. The property wasn't listed on the property sheet due to the property being inside the pants pockets.

\*\*\*\*\* N A R R A T I V E # 4 \*\*\*\*\*  
SUPPLEMENT  
Reported By: ROBKin, ROBERT G. 11/04/97  
Entered By.: DRAHOS, KATHLEEN E. 11/26/97

On 11/4/97 at approximately 1215 hours, this investigator received a phone call at my home advising me of a possible sexual battery investigation. I was told to go to Palms West Hospital and met with Sgt. D. Pervenecki and if possible the victim.

This Detective arrived at the hospital at approximately 1300 hours and met with Sgt. Pervenecki, Detective J. Robeson and the victim's parents. After a brief conference with the above, I went to the Police Station to meet with the responding officers and to conduct this investigation.

After speaking with the responding officers, I then began to conduct interviews with [REDACTED] (S-1) [REDACTED] (S-2), and [REDACTED] (S-3). They were all at the Police Station.

I first met with S-3, [REDACTED]. I advised him that he was not under arrest and that he was under no obligation to answer any of my questions. I also asked him if he knew that this investigation was about. He told me that he thought it was because the victim had gotten very drunk.

I asked [REDACTED] to relate what had occurred this date, he stated that he had seen S-1 [REDACTED] prior to school at [REDACTED] house and there had been some discussion about skipping school. [REDACTED] says that he went to school and since he is in the "on the job training program" he gets out early. He is employed at "Tree's Wings", even though they are not open.

When he got out of school, he ran into [REDACTED] and his girlfriend and another girl, later identified as [REDACTED]. They all walked to [REDACTED] house where they met [REDACTED] and the victim. [REDACTED] says that they hung out at [REDACTED] house until his mother got mad and told [REDACTED] to have his friends leave. They were sitting in the driveway of the house and he says that he heard [REDACTED] and his mother yelling at each other.

All of the kids then went into the backyard. [REDACTED] says that he does not know where the victim got liquor from, but she became very drunk. He says that she was so drunk that she fell down several times and had to be pulled up an incline by her legs, to keep from falling into a canal. She was also acting very drunk by talking and laughing.

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According to [REDACTED] they had only hung out for 15 or 20 minutes before the police arrived. [REDACTED] says that he did not see anyone molest or sexually violate the victim. [REDACTED] wrote out a statement, it is included in this record.

It should be noted that I was unable to record [REDACTED] statement because of a malfunction with the tape recorder. I then interviewed [REDACTED]. He was also advised that he was under no obligation to talk to me, he stated that he understood. I asked him to tell me what he had done on this date. This statement was taped. He told me that he had got up at 7:08 AM and left for school. He ran into Nissensohn and he had told him that they were going to cut school today. [REDACTED] was with the victim (they are boyfriend and girlfriend). AT approximately 0845 to 0900 hours, [REDACTED] says that he, the victim, [REDACTED] and [REDACTED] all met and went to his house to skip and hang out. While they were there sometime around 0930 hours, his mother told him to have his friends go away. He says that he did. He also says that at this time he was also approached by his neighbor, [REDACTED] who is a real estate agent and is selling his parents house. [REDACTED] said that he needed to take pictures of the house. [REDACTED] states that after he sent his friends away, he took some pictures and approximately 40 to 45 minutes later, his friend, [REDACTED] (S-2) came and got him. He was told that his girlfriend was drunk and out of control. he then went behind the house at [REDACTED] and found the victim to be very drunk. She was falling down and scooting along the canal bank. It was necessary for him and the other subjects to physically pull her up the bank by her legs and at times also carry her away from the canal to prevent her from falling in. [REDACTED] says that at one point, in order to control her he found it necessary to sit a straddle on her. It was at this point that the police arrived. [REDACTED] says that he has no knowledge of anyone "messaging" with the victim.

Since the victim and this subject are boyfriend and girlfriend, I asked [REDACTED] if he was having intercourse with the victim. [REDACTED] refused to answer this question. I then asked if he had had sex with the victim on this date he then stated no, not today. [REDACTED] also wrote out a statement, it is a part of this report.

The last person that I interviewed was [REDACTED] his story is similar to the others except he states that [REDACTED] after everyone arrived at his house produced the bottle of liquor.

He says that he, his girlfriend [REDACTED], [REDACTED] and the victim all were at [REDACTED] house skipping school. He says that he watched the victim drink from the bottle and get very drunk. He also says that in order to cut the taste of the liquor, they took oranges from the orange tree in the yard where they were. [REDACTED] says that [REDACTED] tried to sober up the victim, he even went and got some food and coffee to give her, but nothing worked. According to [REDACTED] all six of them were sitting around, under

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some trees at the canal bank, drinking at different times [REDACTED] and the victim might have kissed, but there was no serious petting or touching that he saw. He did say that the victim was crawling around on her seat and butt, and at times she would scoot about on her fanny and her dress and panties would ride up. It was necessary for them to physically restrain her to keep her from falling into the canal. AT one point, it became necessary for [REDACTED] to sit on top of the victim to keep her from going into the canal. It was then that the police arrived.

This statement was taped and he also wrote out a statement which is included in this report.

After taking these statements from the above subjects, they were all released to their parents. Their clothing was confiscated and placed into property by the responding officers, to be sent to the lab for testing. See property receipts.

This investigator then conducted an interview with Fire/Rescue Officer Ellen F. Delai who was in the rescue wagon with the victim while she was being transported to the hospital. She states that the victim had indicated to her that she had been assaulted, and she had also seen what appears to be blood on the victims underpants. See her written statement for details and also the Fire/Rescue report.

Detective Robeson, who had been at the hospital with the victim returned to the station. He had the victims clothes and the contents of the "Rape Kit", these were placed into property. Det. Robeson also took a taped statement from the victim at the hospital, this is also in property.

AT approximately 1700 hours, I received a phone call from [REDACTED]. He told me over the phone at this time that he wanted to keep the record straight and he then stated that he and the victim were actively having sex. He said that the last time that they had sex was on 11/3/97 in the morning. [REDACTED] also asked e if he could come to the station and talk to me about the case. I told him to come on in.

He arrived at my office at approx. 1730 hours, he was with his father. After I explained this investigation to Mr. [REDACTED] the son [REDACTED] requested to speak with me in private. [REDACTED] told me that he was very upset at the possibility that some of his friends might have abused his girlfriend and he wanted me to know that he was willing to cooperate in anyway that he could to get to the bottom of this incident. During this conversation [REDACTED] also told me that he had supplied the liquor to the other teenagers but he did not expect the victim to get so drunk.

At this time, [REDACTED] also admitted to me that he and the victim are sexually active and the last time that they had intercourse was on Monday morning (11/3/97), he also says that they always use protection when they make love. This statement was not

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recorded nor taped. I asked [REDACTED] what he knew about the other people involved. He said that as far as he knew, these people were his friends. He had known them for a long while. I asked him if he knew the subject [REDACTED] he stated that she was new to the school and he had just recently met her. Her boyfriend is someone named [REDACTED]

I then asked [REDACTED] to tell me about the subject [REDACTED]. He told me that she is Ian's girlfriend, and that she is "bi", I asked how he knew this and [REDACTED] told me that he had seen her kissing other girls. He also told me that she tells people that she is "bi". [REDACTED] repeated several times that he was very upset about his girlfriend being assaulted. I advised him to not do anything that would get him into trouble, and if he learned or heard any information for him to contact me. He agreed to do so.

On 11/5/97 at approx. 1600 hours the victim, [REDACTED] came to the police station with her parents to be interviewed by this investigator. I first met with the victim and her parents and explained the investigation to this point, I also answered several questions that they had.

I then met privately with the victim to discuss her recollection of the events of the previous day. The victim told me that she had gone to school on 11/4/97, but as planned she and her friends cut after the first hour. They went to her boyfriend's [REDACTED] house and hung around until Mrs. [REDACTED] ran them off. She then says that she and the others, minus [REDACTED] went in back of some houses at a canal and started to drink. She says that she became very drunk and does not remember much. She does remember falling down and someone grabbing at her legs, but she does not know who. She also says that she has a vivid recollection of being kissed by a girl, but she is not sure if it is [REDACTED], and she thinks that she was being held down. People told her to relax, that she would like it, but she does not recall anything happening. I asked the victim if she recalls anything being inserted into her at anytime. She stated "no".

I also asked her if she was having any discomfort or soreness in her vaginal area or buttocks area, she again replied no, also asked if it was time for her period, or if she was having any types of cramps, she stated, NO. I asked the victim if she was sexually active, she told me that she and [REDACTED] were. I then asked her when was the last time that they had had sex. She told me Monday morning (11/3/97). She also said that they used a rubber, they always used protection.

I then asked her if she could explain why there might be traces of blood in her panties. She could offer no explanation. She also repeated that she is past her period and she is not injured that she knows of. I also inquired as to the victim's relationship with [REDACTED]. She says that they are friends, I asked her if [REDACTED] is gay or "bi", she then told me that [REDACTED] had told her that she was "bi". I asked the victim if she had ever fooled around with [REDACTED], she said no.

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I asked her if she remembered the ride to the hospital, she told me that it was very vague, she does not recall her conversation with the rescue personnel. Because of certain statements that were made by the victim to the fire/rescue people, I felt that it was necessary to clear up some points. The victim had stated to the rescue people that "they had fucked me". I asked her if she knew the meaning of the word "fuck", she said that it meant to have sex. The victim had asked the fire/rescue personnel several times if she were pregnant because of what happened. I then asked the victim if she knew how a person becomes pregnant. She then told me that you get pregnant from having sex.

After conducting this interview the victim requested that some of her property be returned to her. She wanted her book bag and some clothing that was not submitted as evidence. These items were returned to her (see property receipt).

On this same date approximately 1830 hours, this investigator went to [REDACTED] and met with [REDACTED]. Her parents were not home, but she agreed to speak with me. I asked her to relate to me the vents of the day before. [REDACTED] told me that she had cut school with the other kids and had gone to [REDACTED] house. She told me that [REDACTED] Mom had told them to leave. [REDACTED] had supplied them with a bottle of liquor and they had drank some of it. [REDACTED] had to leave to do something and he left the victim who according to [REDACTED] was already drunk. This was somewhere around 1000 to 1030 hours. [REDACTED] says that the victim was so drunk that she was scooting and crawling around on the grass with her dress up and she was also making passes at the other boys who were there.

[REDACTED] states that she saw the victim grab Ian by the butt and by the crouch and she also attempted to do the same to [REDACTED] she would also ask them for sex. [REDACTED] states that she thinks the victim thought they were [REDACTED], because she kept asking for him. I asked [REDACTED] if she saw anyone in any way have any sexual contact with the victim, she states that the only thing that she saw at anytime was S-1 kissing the victim, but there was never any sex. I also asked her if at anytime did she kiss the victim or caress her in anyway. She stated "no".

I then asked her if she saw the victim place anything inside herself, she again said no. I then asked if she had anything to add before ending this interview. Crystal then asked me if I knew what the victim had said to the police officer when they came to the scene. I advised her no, for her to tell me. [REDACTED] states that when the police first arrived, the victim was very belligerent and was denying being drunk. When she (victim) realized that the police were going to take some sort of action, she told one of the officers that, "If you don't tell my parents, I'll fuck you". According to [REDACTED] the officer ignored this comment. This concluded the interview. The phone number shown for [REDACTED] on the report is not right, the correct phone number is 792-9076.

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I then went to [REDACTED] and met with [REDACTED] and her parents. AS before, I asked her to tell me about the vents of the day before. She told me that she had cut school at around 0830 hours and she and her friend had gone to [REDACTED] house. [REDACTED] says that she arrived there at around 0900 hours she thins, she also states that the victim was already drunk when she got there. [REDACTED] states that she thinks that she was with the other people for around 2 hours. During that time she did not see anyone do anything to the victim. She did say, as did [REDACTED], that the victim made passes at the other boys who were present but no one did anything with her. I asked her if she saw [REDACTED] make any pass at the victim, or if she saw her kiss the victim. Kristin said no to this. [REDACTED] also told me that the victim had propositioned the police officer who came to the scene. I also, asked her how well she knew the victim, she told me that this was the first time that she had ever met her. [REDACTED] and nothing else to add at this time. This concludes the interviews with the people involved.

All of the evidence that has been collected will be sent to the PBSO for testing and analysis. It is unknown at this time as to why the victim had blood in her panties or where it came from. The victims parents were advised by this officer to seek medical advice and aid for their daughter, as well as possible counseling of some type.

All of the clothing submitted and confiscated are being submitted to the crime lab for testing. See attached lab request. The information contained in this report will be sent to the State Attorney's Office for review in regard to possible charges of Lewd and Lascivious conduct to a child under 16 years of age against Collazo, because of his admission and the victims admission to having sexual intercourse. This is in violation of FSS 800.04 (2).

Besides this admission, a simulation of sexual intercourse was also witnessed by the responding officer upon his arrival, This is a violation of the same statute. All the evidence, (clothing, liquor and lab evidence etc. has been sent to the crime lab on 11/7/97).

It should be noted that [REDACTED] was arrested on 11/6/97 for Aggravated Battery in an unrelated case. He is now in the County Jail and is charged as an adult.

\*\*\*\*\* N A R R A T I V E # 5 \*\*\*\*\*  
SUPPLEMENT                      Reported By: ROBKIN, ROBERT G.                      11/19/97  
                                         Entered By.: DRAHOS, KATHLEEN E.                      11/26/97

On 11/19/97 the listed subject, [REDACTED] who is currently being held in the Palm Beach County Jail on unrelated charges was served with a Probable Cause Affidavit, charging him with two counts of Lewd and Lascivious conduct with a child under 14 years of age.

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The PC Affidavit, Rough Arrest Form, and filing packet are all a part of this case file.

\*\*\*\*\* N A R R A T I V E # 6 \*\*\*\*\*  
 PROBABLE CAUSE Reported By: ROBKin, ROBERT G. 11/17/97  
 Entered By.: DRAHOS, KATHLEEN E. 11/26/97

At the rear of [REDACTED], Palm Beach County, Florida when the responding patrol units arrived at the above scene, Officer Mancino who was the first on the scene observed the defendant laying on top of the victim. Both the defendant and the victim were both laying on the ground, the victim was laying on her back and according to Officer Mancino her dress was above her hips and her legs were wrapped around the defendants midsection. Both the defendant and the victim were clothes. The defendant was wearing his pants and the victim was wearing a pair of "Garfield the Cat" underpants. As stated, the defendant was on top of the victim in the missionary position both the victim and the defendant were undulating their hips and bodies, in a simulated sex act (dry humping). According to Officer Mancino the defendant's hips were moving in and out of the victim's pelvic area. The victim was also making moaning and groaning sounds.

On this same date at approximately 1730 hours, while at the police station, the defendant was being interviewed by this detective. He was not under arrest and had come to the station on his own. During this interview, the defendant told me that he and the victim had been having sex on a regular basis. The last time being on 11/3/97 at the defendants house at [REDACTED], royal palm beach, Florida. On 11/5/97, this Detective interviewed the victim at the police station. AT this time, the victim also told me that she and the defendant have had sex several times in the past. The last time was on 11/3/97 in the AM hours at the defendants house. She also stated that they used protection, they always used protection.

The defendant is in the county jail on unrelated charges, he will be served with this arrest at that location.

\*\*\*\*\* N A R R A T I V E # 7 \*\*\*\*\*  
 SUPPLEMENT Reported By: ROBKin, ROBERT G. 12/23/97  
 Entered By.: JARRETT, DAWN M. 12/30/97

On this date (12/23/97) this investigator went to the Palm Beach S.O. and picked up the items that were being tested by the lab.

Nothing of any evidentiary value was found.

I have also contacted the owners of the clothing and have advised them to pick up their belongings.

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I have also been advised by the State Attorneys Office that they do not choose to prosecute defendant Collazo for the charges of Lewd and Lascivious conduct. See attached letter from the S/A office.

At this time this case is closed because there is no need for any further police action.

\*\*\*\*\* N A R R A T I V E # 8 \*\*\*\*\*  
SUPPLEMENT Reported By: ROBESON, JERRY R. 12/23/97  
Entered By.: JARRETT, DAWN M. 12/30/97

The property listed on the attached property receipt was returned to the owner, Ian Varvaro on December 23, 1997 at 1907 hours.

\*\*\*\*\* N A R R A T I V E # 9 \*\*\*\*\*  
SUPPLEMENT Reported By: ROBKIN, ROBERT G. 12/23/97  
Entered By.: JARRETT, DAWN M. 12/30/97

On 12/23/97, Ms. Janice Magrane who is Adam Nissonsohn's mother came to the police station and picked up her sons clothes which had been returned from P.B.S.O.

See property receipt.

\*\*\*\*\* N A R R A T I V E # 10 \*\*\*\*\*  
SUPPLEMENT Reported By: FARRON, CHRISTOPHER S. 10/30/02  
Entered By.: FARRON, CHRISTOPHER S. 10/30/02

Due to the fact, the statute of limitations has run out on this case, the property was destroyed.

\*\*\*\*\* N A R R A T I V E # 11 \*\*\*\*\*  
SUPPLEMENT Reported By: GEROULD, GLENN A. 4/03/03  
Entered By.: GEROULD, GLENN A. 4/03/03

The evidence in this case has been destroyed.

\*\*\*\*\* N A R R A T I V E # 12 \*\*\*\*\*  
Supplemental Reported By: PERVENECKI, DAVID A. 5/08/03  
Entered By.: PERVENECKI, DAVID A. 5/08/03  
Reviewed By: GIANNOTTI (DAVIS, ERIN M. 5/22/03

The property listed in this case has been destroyed.

\*\*\*\*\* N A R R A T I V E # 13 \*\*\*\*\*  
Supplemental Reported By: PERVENECKI, DAVID A. 5/07/03  
Entered By.: PERVENECKI, DAVID A. 5/07/03  
Reviewed By: GIANNOTTI (DAVIS, ERIN M. 5/23/03

The property listed in this case has been destroyed.

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# **EXHIBIT C**

**PALM BEACH COUNTY SHERIFF'S OFFICE  
CENTRAL RECORDS  
FSS EXEMPTIONS/CONFIDENTIAL**

- |                                                                                                                                                                                                                    |                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 119.071(2)(c) Active criminal intelligence/active criminal investigative Information                                                                                                      | <input type="checkbox"/> 119.071(5)(g)1 Biometric Identification Information (Fingerprints, palm prints, and footprints)                                                                 |
| <input type="checkbox"/> 119.071(2)(e) Confession                                                                                                                                                                  | <input type="checkbox"/> 119.071(2)(f) Confidential Informants                                                                                                                           |
| <input type="checkbox"/> 365.171(15) Identity of 911 caller or person requesting emergency service                                                                                                                 | <input type="checkbox"/> 316.066(5)(a) Crash reports are confidential for period of 60 days after the report is filed                                                                    |
| <input type="checkbox"/> 119.071(2)(d) Surveillance techniques, procedures, and personnel, inventory of law enforcement resources, policies or plans pertaining to mobilization, deployment or tactical operations | <input checked="" type="checkbox"/> 119.071(2)(h)(1) Identity of victim of sexual battery, lewd and lascivious offense upon a person less than 16 years old, child abuse, sexual offense |
| <input type="checkbox"/> 119.071(2)(l) Assets of crime victim                                                                                                                                                      | <input type="checkbox"/> 985.04(1) Juvenile offender records                                                                                                                             |
| <input type="checkbox"/> 119.071(5)(a)(5) Social security numbers held by agency                                                                                                                                   | <input type="checkbox"/> 119.0712(2) Personal Information contained in a motor vehicle record                                                                                            |
| <input type="checkbox"/> 119.071(5)(b) Bank account #, debit, charge and credit card numbers held by an agency                                                                                                     | <input type="checkbox"/> 119.071(2)(b) Criminal intelligence/investigative information from a non-Florida criminal justice agency                                                        |
| <input type="checkbox"/> 395.3025(7)(a) and/or 456.057(7)(a) Medical information                                                                                                                                   | <input type="checkbox"/> 394.4615(7) Mental health information                                                                                                                           |
| <input type="checkbox"/> 943.053/943.0525 NCIC/FCIC/FBI and in-state FDLE/DOC                                                                                                                                      | <input type="checkbox"/> 119.071(4)(c) Undercover personnel                                                                                                                              |
| <input type="checkbox"/> 119.07(4)(d) Extra fee if request is voluminous or requires extensive personnel, technology                                                                                               | <input type="checkbox"/> 119.071(4)(d)(1) Home address, telephone, soc. security #, photos of active/former LE personnel, spouses and children                                           |

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Tracking 16-04-2729

CN: 98-041883

Clerk Name/ID: M Tookes #8557

Date: 04/25/2016

Revised 03/04/2011

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 OFFENSE REPORT CASE NO. 98041883

DISPOSITION: INACTIVE  
DIVISION: ROAD PATROL

911: N CONFIDENTIAL  
SEXUAL BATTERY \* \* \*  
SIGNAL CODE: 35 CRIME CODE: 1 NON CRIME CODE: CODE: 110A 02/28/98 SATURDAY  
ZONE: B71 GRID: WPB DEPUTY I.D.: 3257 NAME: BURES DAVID ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

NAME LIST:

ROLE:

VICTIM NO. 001

COMPLAINANT

ARRESTEE JOSHUA B BUNNER DOB: 10/02/1979  
SEX: M RACE: W HT: 601 WT: 155 HR: BLOND EYE: BLUE  
RESIDENTIAL ADDRESS: 5806 TIFFANY PL WPB FL 33417 HOME PHONE: 561 000-0000  
BUSINESS PHONE: 561 000-0000  
SUSPECT KEVIN P THOMPSON DOB: 05/15/1980

SEX: M RACE: W HT: 602 WT: 230 HR: BLOND EYE: BLUE  
RESIDENTIAL ADDRESS: 12435 N 52 RD ROYAL PALM FL 33411 HOME PHONE: 561 000-0000  
BUSINESS PHONE: 561 000-0000

OFFENSE INDICATOR: OFFENSE 1 VICTIM NUMBER: 1  
VICTIM TYPE: JUVENILE  
RESIDENCE TYPE: COUNTY RESIDENCE STATUS: FULL YEAR  
EXTENT OF INJURY: NONE  
INJURY TYPE (1): NOT APPLICABLE  
INJURY TYPE (2): NOT APPLICABLE  
VICTIM RELATION: ACQUAINTANCE

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CASE NO. 98041883

PALM BEACH COUNTY SHERIFF'S OFFICE  
OFFENSE REPORT

PAGE 2  
CASE NO. 98041883

DISPOSITION: INACTIVE

REPORT NUMBER: 1

FLORIDA VICTIM ? N

WEATHER: CLOUDY

WITNESS TO CRIME KNOWN ? N

CAN VICTIM I.D. SUSPECT ? Y

WILL VICTIM PROSECUTE ? Y

IS M.O. SIGNIFICANT ? N

LATENTS LIFTED ? N

TAG NUMBER KNOWN ? N

SUSPECT NAME KNOWN ? Y

SUSPECT LOCATION KNOWN ? N

STOLEN PROPERTY TRACEABLE ? N

EVIDENCE LEFT AT SCENE ? N

SUSPECT'S VEHICLE KNOWN ? N

PROPERTY DAMAGE ? N

ON 2/28/98 AT 1600 HOURS I RESPONDED TO A CONFIDENTIAL LOCATION REFERENCE A COMPLAINT OF SEXUAL BATTERY.

UPON ARRIVAL I MET WITH THE ON-DUTY COUNSELOR, WHITE FEMALE, [REDACTED], DOB 122864. MS. [REDACTED] STATED, EARLIER IN THE DAY SHE LEARNED FROM ONE OF THE OCCUPANTS OF THE GROUP HOME THAT THE OCCUPANT WAS RAPED APPROXIMATELY THREE AND A HALF WEEKS AGO AT AN UNKNOWN LOCATION IN LOXAHATCHEE.

[REDACTED] IDENTIFIED THE VICTIM AS WHITE FEMALE, [REDACTED].

I THEN MET WITH MS. [REDACTED], WHO STATED THAT APPROXIMATELY THREE AND A HALF WEEKS AGO SHE WAS PICKED UP FROM HER BOYFRIEND'S HOUSE (WHICH IS IN THE CITY OF ROYAL PALM BEACH, FLORIDA), BY TWO WHITE MALE ACQUAINTANCES OF HERS. [REDACTED] STATED THAT BOTH WERE IN THEIR TWENTIES. [REDACTED] REFUSED TO PROVIDE IDENTIFICATION OR A DESCRIPTION OF THE TWO WHITE MALES.

[REDACTED] STATED THAT SHE WAS DRIVEN BY THE TWO WHITE MALES TO A WOODED AREA SOMEWHERE IN LOXAHATCHEE. SHE ALSO STATED THAT THEY ALL CONSUMED ALCOHOL AND SMOKED MARIJUANA, AND THAT MS. [REDACTED] WAS INTOXICATED DURING THIS INCIDENT.

[REDACTED] STATED ONCE THE VEHICLE WAS PARKED IN THE WOODED AREA, BOTH WHITE MALES HAD FORCED SEXUAL INTERCOURSE WITH MS. [REDACTED]. [REDACTED] STATED SHE DID RESIST BOTH WHITE MALES BY STATING TO THEM, NO.

[REDACTED] STATED AFTER THE SEXUAL INTERCOURSE, ONE OF THE WHITE MALES WAS DROPPED OFF, AND SHE WENT HOME WITH THE OTHER WHITE MALE TO HIS RESIDENCE AT AN UNKNOWN LOCATION. MS. [REDACTED] STATED ONCE IN THE BEDROOM OF THE RESIDENCE, ONCE AGAIN THE WHITE MALE HAD FORCED SEXUAL INTERCOURSE WITH HER. [REDACTED] STATED THAT SHE WAS NOT INJURED AS A RESULT.

WHEN ASKED ONCE AGAIN TO PROVIDE INFORMATION ON THE IDENTITY OR THE DESCRIPTION OF THE SUSPECTS, SHE REFUSED. SGT. ST. CYR, ID 359, WAS NOTIFIED AND RESPONDED. THE DETECTIVE BUREAU WAS NOTIFIED. THEY STATED THEY WOULD CONDUCT A FOLLOW-UP REFERENCE THIS CASE. CASE INFORMATION WAS GIVEN. THE DISPOSITION IN THIS CASE WILL BE CLASSIFIED AS INACTIVE PENDING FURTHER

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3  
CASE NO. 98041883 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: INACTIVE

INVESTIGATIVE LEADS. END OF NARRATIVE.  
D/S D. BURES/ID 3257/TRANS: 3/3/98/PS/#7543  
DICT: 2/28/98/1730 HRS.

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 SUPPLEMENT 1 OFFENSE REPORT CASE NO. 98041883

DISPOSITION: OPEN  
DIVISION: DETECTIVE

911: N CONFIDENTIAL

SEXUAL BATTERY \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 03/31/98 SATURDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

ON 3-12-98, I RECEIVED A CALL FROM MRS. [REDACTED] INQUIRYING WHO WOULD BE INVESTIGATING HER DAUGHTER'S SEXUAL BATTERY INVESTIGATION. I CHECKED THE SIU LOG AND FOUND THAT THE CASE HAD NOT BEEN ASSIGNED. I WAS NEXT UP ON THE CASE ROTATION LIST SO I ASSIGNED THE CASE TO MYSELF AS SGT. STORMES WAS OFF. MRS. [REDACTED] TOLD ME THAT HER DAUGHTER IS CURRENTLY RESIDING AT A CONFIDENTIAL LOCATION AND THAT I SHOULD CONTACT [REDACTED] TO SPEAK WITH HER DAUGHTER.

ON 3-13-98, I CALLED [REDACTED] AT (CONFIDENTIAL LOCATION) TO SET UP AN INTERVIEW APPOINTMENT WITH [REDACTED]. [REDACTED] IS NOT AVAILABLE AND I LEFT A MESSAGE FOR HER TO PLEASE CALL ME BACK.

ON 3-16-98, I RECEIVED A MESSAGE FROM [REDACTED]. I CALLED HER BACK AND SHE WAS NOT AVAILABE. ON 3-17-98, I LEFT FOR A CONFERENCE IN HUNSTVILLE, ALABAMA AND DID NOT RETURN TO WORK UNTIL 3-23-98.

ON 3-24-98, I AGAIN CALLED [REDACTED] TO SET UP AN APPOINTMENT WITH [REDACTED] AND [REDACTED] WAS NOT AVAILABLE AND I LEFT A MESSAGE.

ON 3-30-98 I WAS ABLE TO MAKE CONTACT WITH [REDACTED] AND WE SET UP AN INTERVIEW FOR [REDACTED] ON 3-31-98 AT 2:30PM.

DET. ARNOLD/3553  
RAMIREZ/4213/4-21-98

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CASE NO. 98041883 PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
SUPPLEMENT 2 OFFENSE REPORT CASE NO. 98041883

DISPOSITION: OPEN  
DIVISION: DETECTIVE

911: N CONFIDENTIAL

SEXUAL BATTERY \* \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 04/06/98 SATURDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

ON 3-31-98 AT 3:00PM, I INITIATED A SWORN TAPED STATEMENT WITH [REDACTED]  
[REDACTED] IN REFERENCE TO A SEXUAL BATTERY INVESTIGATION.  
[REDACTED] HAD A VERY QUIET DEMEANOR AND AT TIME SEEMED VERY  
RELUCTANT TO DISCUSS SENSITIVE FACTS ABOUT THIS CASE, WHICH IS NOT  
UNUSUAL. [REDACTED] AT TIME WAS EMOTIONAL AND CRIED DURING THE INTERVIEW.  
[REDACTED] SAID THAT SHE MET THE SUSPECTS FROM THIS INCIDENT  
AT A PARTY SEVERAL WEEKS PRIOR TO THE ASSAULTS, WHICH OCCURRED SOMETIME  
AROUND THE 1ST OF FEBRUARY. ON THE NIGHT OF THE ASSAULT, [REDACTED]  
[REDACTED] WAS AT HER BOYFRIEND'S HOUSE PLAYING VIDEO GAMES ([REDACTED]  
DOES NOT WANT TO DISCLOSE THE IDENTITY OF HER BOYFRIEND AT THIS TIME).  
THE SUSPECTS PULLED UP TO [REDACTED]'S BOYFRIEND'S HOUSE AT APPROXIMATELY  
10:00PM ON THE DATE OF THE ASSAULT AND ASKED HIM IF HE WANTED TO GO OUT  
DRINKING. [REDACTED] BOYFRIEND COULD NOT GO, BUT HE TOLD THE SUSPECTS THAT  
[REDACTED] WAS THERE THAT SHE HAD RUN AWAY. SUSPECTS CAME INSIDE OF THE  
RESIDENCE AND ASKED [REDACTED] IF SHE WANTED TO GO DRINKING WITH THEM. AS  
STATED EARLIER, [REDACTED] HAD MET THE SUSPECT BEFORE AND SHE SAID SHE FIGURED  
IT WOULD MEAN FREE DRINKS SO SHE DECIDED TO GO.  
[REDACTED] SAID THAT SHE AND THE SUSPECTS DRANK FOR ABOUT FIFTEEN  
MINUTES AT HER BOYFRIEND'S HOUSE PRIOR TO LEAVING. [REDACTED] SAID THAT SHE  
DRANK A FEW SHOTS OF EITHER TEQUILLA OR VODKA BEFORE THEY LEFT. ONCE IN THE  
CAR, [REDACTED] SAID THAT SHE HAD ABOUT FIVE BEERS AND SHE WENT ON TO TELL ME  
THAT SHE BECAME VERY DRUNK.  
I ASKED [REDACTED] WHICH OF THE TWO SUSPECTS WAS DRIVING THE CAR AND SHE

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 98041883 SUPPLEMENT 2 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN

REPLIED "KEVIN" (UNKNOWN LAST NAME). [REDACTED] SAID THAT SHE AND THE TWO SUSPECTS ARRIVED AT A WOODED AREA IN LOXAHATCHEE CALLED "WOODSIES". I ASKED [REDACTED] FOR A DESCRIPTION OF KEVIN'S CAR AND SHE SAID THE CAR HAD "NORMAL SEATS" LIKE VELVET, WHICH INDICATES THEY PROBABLY WERE CLOTH SEATS. [REDACTED] SAID THAT SHE DID NOT KNOW THE MAKE OR MODEL OF THE CAR, BUT SHE SAID THAT IT WAS AN OLDER CAR, EITHER PURPLE OR MAROON IN COLOR. [REDACTED] DID NOT KNOW IF IT WAS A TWO DOOR OR FOUR DOOR OR ANY OTHER INFORMATION. I ASKED [REDACTED] FOR A DESCRIPTION OF KEVIN AND SHE SAID THAT HE IS A WHITE MALE, APPROXIMATELY TWENTY-THREE YEARS OF AGE, LONG BLONDE HAIR, MODERATELY OVERWEIGHT, APPROXIMATELY 5'11, WITH A DIRTY BLONDE GOATEE AND DIRTY BLONDE SIDEBURNS. [REDACTED] SAID THAT THE SUSPECT NEVER MENTIONED A PLACE OF EMPLOYMENT OR JOB TYPE DURING THEIR CONVERSATION.

[REDACTED] AT THIS TIME SAID SHE DID NOT FEEL COMFORTABLE IDENTIFYING SUSPECT NUMBER 2 BECAUSE SHE IS CLOSE FRIENDS WITH HIS BROTHER AND SHE FEELS THIS WOULD JEOPARDIZE THAT FRIENDSHIP.

AFTER ARRIVAL AT "THE WOODSIES" [REDACTED] SAID THAT SHE PASSED OUT. WHEN SHE AWOKE, SHE WAS LYING ON THE FRONT SEAT OF KEVIN'S CAR WITH HER PANTS AROUND HER ANKLES AND SUSPECT NUMBER 2 (THE UNIDENTIFIED SUSPECT) ON TOP OF HER ENGAGING IN FORCED VAGINAL INTERCOURSE. [REDACTED] SAID THAT KEVIN (SUSPECT 1) WAS ATTEMPTING TO FORCE HER TO PERFORM ORAL SEX ON HIM.

[REDACTED] SAID THAT THE SUSPECTS WOULD TAKE TURNS FORCING VAGINAL INTERCOURSE ON HER. I ASKED [REDACTED] ABOUT SUSPECT NUMBER 1 FORCING ORAL SEX ON HER AS SHE PREVIOUSLY MENTIONED AND SHE SAID THAT HE FORCED THE HEAD OF HIS PENIS IN HER MOUTH. [REDACTED] SAID THAT SHE TOLD THE SUSPECTS THAT SHE WAS TIRED AND THAT SHE DID NOT WANT TO PARTICIPATE IN THIS ACTIVITY. [REDACTED] WENT ON TO TELL ME THAT SHE WAS HAVING HER PERIOD DURING THE ASSAULT AND SHE REMEMBERS WAKING UP AND FINDING HER PANTS AROUND HER ANKLES AND SHE HAD A FEMININE PAD INSIDE OF HER. [REDACTED] SAID THAT SHE REMEMBERS TELLING THE SUSPECTS SOMETHING TO THE EFFECT OF "YOU'RE HAVING SEX WITH ME WHILE I'M ON MY PERIOD AND THAT'S GROSS".

I ASKED [REDACTED] IF THE SUSPECTS SAID ANYTHING WHILE THIS WAS HAPPENING AND SHE THEN SAID THAT SHE REMEMBERS THEM SAYING SOMETHING STUPID LIKE, ARE YOU HAVING FUN BABY. [REDACTED] ALSO SAID KEVIN WOULD LAUGH AND MAKE STUPID COMMENTS TO HER DURING THE ASSAULT.

I ASKED [REDACTED] IF EITHER OF THE SUSPECTS USED PROTECTION AND SHE SAID THEY DID NOT. [REDACTED] WAS UNSURE IF EITHER OF THE SUSPECTS EJACULATED INSIDE OF HER. [REDACTED] ESTIMATED THAT THE ASSAULT PROBABLY LASTED AROUND FIVE TO SEVEN HOURS.

[REDACTED] REPORTED THAT KEVIN (SUSPECT #1) FORCED SEXUAL INTERCOURSE WITH HER AT LEAST ONE TIME, BUT WAS UNSURE OF ANY ADDITIONAL ENCOUNTERS.

[REDACTED] SAID THAT SUSPECT #2 (UNIDENTIFIED SUSPECT) FORCED SEXUAL INTERCOURSE

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3  
CASE NO. 98041883 SUPPLEMENT 2 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN

ON HER MORE THAN TWICE.

AFTER THE ASSAULT IN THE WOODED AREA, [REDACTED] RETURNED WITH SUSPECT #2 TO HIS RESIDENCE WHERE HE HAD SEXUAL INTERCOURSE WITH [REDACTED]. SUSPECT #2 TOLD [REDACTED] THAT IT WAS HER TURN, (MEANING SHE WAS TO BE ON TOP DURING SEXUAL INTERCOURSE). [REDACTED] TOLD HIM SHE WAS TOO TIRED TO DO ANYTHING. [REDACTED] SAID THAT SUSPECT #2 PARENTS AND BROTHER WERE HOME AT THE TIME OF THE ENCOUNTER AT HIS RESIDENCE. [REDACTED] SAID THAT HER FRIEND (SUSPECT #2'S BROTHER) SAW HER INSIDE OF THE RESIDENCE IN THE MORNING.

I ASKED [REDACTED] IF SHE TOLD ANYONE WHAT HAPPENED AND SHE SAID SHE TOLD HER BOYFRIEND THAT SHE HAD CONSENTED TO SEXUAL INTERCOURSE WITH THE SUSPECTS. I ASKED [REDACTED] IF SHE GOT ALL OF HER CLOTHING AND PERSONAL ITEMS BACK FROM KEVIN'S CAR. SHE SAID SHE IS MISSING A CLEAR PLASTIC PURSE WITH BLACK TRIM WHICH CONTAINED MAKEUP AND OTHER PERSONAL EFFECTS. [REDACTED] DOES NOT REMEMBER IF ANY OF HER CLOTHES WERE LEFT IN KEVIN'S CAR.

IN CONCLUDING THE INTERVIEW, I ASKED [REDACTED] IF ANYTHING ELSE HAPPENED THAT WE DID NOT DISCUSS AND SHE SAID "THEY PERFORMED ORAL SEX ON ME". I ASKED [REDACTED] IF BOTH SUSPECTS DID THIS AND SHE REPLIED "KEVIN DID, I DON'T REMEMBER IF JOSH DID". WITH THAT LAST QUOTE, [REDACTED] INADVERTENTLY IDENTIFIED SUSPECT NUMBER #2 AS JOSH. AT THE TIME [REDACTED] MENTIONED JOSH'S NAME, SHE DID NOT REALIZE IT.

I ASKED [REDACTED] ABOUT THE BEER THE SUSPECTS GAVE HER AND SHE SAID THAT THEY GAVE HER FIVE BOTTLES OF BEER AND SHE SAID IT WAS EITHER MICHELOB OR BUSCH.

I ASKED [REDACTED] IF THE SUSPECTS GAVE HER ANY DRUGS AND SHE REPLIED "MARIJUANA". I ASKED HER WHO GAVE HER MARIJUANA AND SHE REPLIED "JOSH". [REDACTED] THEN REALIZED THAT SHE HAD IDENTIFIED JOSH AS THE OTHER SUSPECT AND SHE BECAME VERY UPSET WITH HERSELF AND STARTED TO CRY. I ASKED [REDACTED] HOW MUCH POT SHE SMOKED AND SHE SAID A COUPLE OF JOINTS. THIS CONCLUDED THE INTERVIEW AND I SWORE [REDACTED] IN AGAIN AFTER THE INTERVIEW TO CONFIRM THAT ALL THE INFORMATION SHE HAD GIVEN WAS THE TRUTH AND SHE SWORE THAT IT WAS.

ON 4-1-98 AT 1515HRS, I SPOKE WITH MRS. [REDACTED] ABOUT MY INTERVIEW WITH [REDACTED]. I ASKED HER IF SHE COULD PROVIDE [REDACTED]'S BOYFRIEND'S NAME AND SHE SAID THAT SHE WOULD FIND HIS NAME AND CALL ME BACK.

AT 1535HRS ON 4-1-98, MRS. [REDACTED] CALLED ME BACK WITH [REDACTED]'S BOYFRIEND'S NAME. MRS. [REDACTED] SAID HIS NAME IS TONY FIGUEROA AND HIS PHONE NUMBER IS 792-9076. MRS. [REDACTED] ALSO SPOKE ABOUT HER DAUGHTER'S PAST DRUG ABUSE AND ALSO HOW MANY KIDS IN ROYAL PALM BEACH ARE INVOLVED IN DRUGS, WITCHCRAFT AND ANIMAL SACRIFICE. MRS. [REDACTED] SAID THAT SHE HAS ATTEMPTED TO DISCUSS THE DRUG PROBLEM WITH THE PRINCIPAL AT ROYAL PALM

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 4  
CASE NO. 98041883 SUPPLEMENT 2 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN

BEACH HIGH SCHOOL AND SHE SAID THAT SHE HAS HAD LITTLE SUCCESS IN CONVINCING  
THE PRINCIPAL THERE IS A PROBLEM. FURTHER FOLLOW UP INVESTIGATION ON THIS  
CASE WILL BE FORTHCOMING, THEREFORE CASE REMAINS CLASSIFIED AS OPEN.  
DET. ARNOLD/3553  
RAMIREZ/4213/4-21-98

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 SUPPLEMENT 3 OFFENSE REPORT CASE NO. 98041883

DISPOSITION: OPEN  
DIVISION: DETECTIVE

911: N CONFIDENTIAL

SEXUAL BATTERY \* \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 06/16/98 SATURDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS

EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

INVESTIGATIVE EFFORTS TO IDENTIFY THE LAST NAME OF SUSPECTS IN THIS  
CASE HAVE MET WITH NEGATIVE RESULTS AT THIS TIME. IT SHOULD BE NOTED THAT  
IT IS DIFFICULT TO MAKE CONTACT WITH THE VICTIM BECAUSE  
SHE IS HOUSED AT A CONFIDENTIAL LOCATION AND CALLS TO  
THE PATIENTS ARE STRICTLY LIMITED.

FURTHER INVESTIGATION WILL BE FORTHCOMING.  
DET. ARNOLD/3553  
RAMIREZ/4213/6-29-98

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 SUPPLEMENT 4 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN  
DIVISION: DETECTIVE

911: N \* C O N F I D E N T I A L \*  
SEXUAL BATTERY  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 07/31/98 SATURDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A  
..

WHILE CONDUCTING FOLLOW UP INVESTIGATION IN AN ATTEMPT TO OBTAIN THE  
LAST NAMES OF THE SUSPECTS IN THIS CASE, I WAS REFERRED TO A SUBJECT BY  
THE NAME OF NICHOLAS SILVAGE AS THE PERSON WHO MIGHT KNOW THE LAST NAME  
OF A SUBJECT IDENTIFIED ONLY AS JOSH IN THE REPORT.

ON 7-29-98, I RESPONDED TO THE MCDONALDS RESTAURANT IN ROYAL PALM  
BEACH WHERE I MADE CONTACT WITH NICHOLAS SILVAGE (7-6-81). I ASKED SILVAGE  
IF HE WAS FAMILIAR WITH ANY SUBJECTS BY THE NAME OF JOSH. HE INDICATED THAT  
HE KNEW A SUBJECT BY THE NAME OF JOSH BUNNER. SILVAGE INDICATED THAT JOSH  
WAS APPROXIMATELY EIGHTEEN YEARS OF AGE AND THAT HE IS APPROXIMATELY  
SIX FEET TALL, 180LBS. PALMS SHOWS A LAST KNOWN ADDRESS OF 15396 SAN DIEGO  
DR. FOR JOSH'S BROTHER, NICHOLAS BUNNER. EFFORTS WILL BE MADE TO ATTEMPT TO  
LOCATE AND INTERVIEW JOSH BUNNER IN REGARDS TO THIS INVESTIGATION. PRIOR TO  
SPEAKING TO BUNNER THOUGH, I AM ATTEMPTING TO OBTAIN A PHOTO OF HIM SO I  
CAN PRESENT A PHOTO LINEUP TO THE VICTIM TO CONFIRM THAT THIS IS THE  
PERPETRATOR OF HER CRIME BEFORE HE IS INTERVIEWED IN REGARDS TO THE  
ALLEGATIONS. FURTHER INVESTIGATIVE LEADS WILL BE FORTHCOMING, THEREFORE CASE  
REMAINS CLASSIFIED AS OPEN.  
DET. ARNOLD/3553  
RAMIREZ/4213/8-6-98

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 SUPPLEMENT 5 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN  
DIVISION: DETECTIVE

911: N CONFIDENTIAL  
SEXUAL BATTERY \* \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 08/12/98 WEDNESDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A  
..

ON AUGUST 11, 1998 AT APPROXIMATELY 1800 HOURS, I RESPONDED TO (A  
CONFIDENTIAL LOCATION), WHERE I MADE CONTACT WITH [REDACTED]  
[REDACTED] IN REGARDS TO SHOWING HER A PHOTO LINEUP OF A POSSIBLE SUSPECT IN  
HER SEXUAL BATTERY CASE.

I PRESENTED [REDACTED] A PHOTO LINEUP CONTAINING SIX YOUNG WHITE MALES  
AND ASKED HER IF THE PERTETRATOR OF HER CRIME WAS IN THIS PHOTO LINEUP AND  
[REDACTED] IMMEDIATELY BECAME EMOTIONALLY UPSET AND POINTED TO THE  
SUBJECT IN THE NUMBER FOUR POSITION OF THE PHOTO LINEUP. IT SHOULD BE NOTED  
THAT THE SUBJECT IN POSITION NUMBER FOUR OF THE PHOTO LINEUP IS JOSHUA  
B. BUNNER (WHITE MALE, 10/02/79). BASED ON THE FACT THAT THE VICTIM HAS MADE  
A POSITIVE IDENTIFICATION THAT JOSH BUNNER IS ONE OF THE SUBJECTS THAT RAPED  
HER ON OR ABOUT FEBRUARY 1, 1998, I WILL ATTEMPT TO LOCATE BUNNER AND CONDUCT  
AN INTERVIEW WITH HIM IN REGARDS TO THIS CASE. UNTIL SUCH TIME AS BUNNER IS  
LOCATED AND AN INTERVIEW IS CONDUCTED, THE CASE WILL REMAIN CLASSIFIED AS  
OPEN.

DET. BART ARNOLD ID #3553  
TRANS. 08/17/98/DAW/#3495

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN  
DIVISION: DETECTIVE

911: N \* C O N F I D E N T I A L \*  
SEXUAL BATTERY  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 08/20/98 WEDNESDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

AS REPORTED IN THE PREVIOUS SUPPLEMENT, [REDACTED] MADE A POSITIVE IDENTIFICATION THAT JOSH BUNNER WAS ONE OF THE SUBJECTS THAT RAPED HER ON/OR ABOUT MARCH 1ST, 1998. THE PBSO PALMS COMPUTER SHOWED A CURRENT ADDRESS OF BUNNER FOR 15396 SANDIEGO DR. IN LOXAHATCHEE.

ON 8-13-98, I RESPONDED TO THAT ADDRESS IN AN ATTEMPT TO MAKE CONTACT WITH BUNNER. THERE WAS A LOCKED GATE AND NO ONE APPEARED TO BE HOME. I CONTACTED PBSO DISPATCH TO SEE IF THEY COULD FIND A NUMBER FOR THE RESIDENCE AND THIS MET WITH NEGATIVE RESULTS. I LEFT MY BUSINESS CARD AT THE RESIDENCE WITH A NOTE TO HAVE JOSH CALL ME AT THE SHERIFF'S OFFICE.

ON 8-17-98 AT APPROXIMATELY 3:30PM, I AGAIN RESPONDED TO 15396 SANDIEGO DR. IN AN ATTEMPT TO MAKE CONTACT WITH JOSHUA BUNNER AND THIS TIME I WAS SUCCESSFUL. I ASKED JOSH IF HE WOULD BE WILLING TO SPEAK WITH ME IN REGARDS TO AN ONGOING SHERIFF'S OFFICE INVESTIGATION AND HE AGREED TO DO THIS. I TOLD JOSH THAT HE WAS NOT REQUIRED TO BE SUBJECT TO THIS INTERVIEW AND IF HE DECIDED TO CONDUCT THE INTERVIEW HE COULD TERMINATE THE INTERVIEW AT ANY TIME. PRIOR TO GOING ON TAPE, I ONLY ASKED JOSH BUNNER ABOUT HIS FRIEND KEVIN AND ABOUT ANY TYPE OF HOBBIES THAT HE AND THOMPSON ENGAGE IN TOGETHER.

AT 3:48PM, I INITIATED A TAPED INTERVIEW WITH JOSH BUNNER INSIDE OF MY UNMARKED VEHICLE PARKED IN THE FRONT OF BUNNER'S RESIDENCE AT 15396 SANDIEGO DR. AGAIN, I TOLD JOSH THAT HE COULD TERMINATE THE INTERVIEW ANY TIME THAT HE WANTED TO AND GO BACK INSIDE OF HIS HOUSE. JOSH SAID THAT HE UNDERSTOOD THIS.

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 98041883 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN

JOSH TOLD ME THAT HE HAS KNOWN KEVIN THOMPSON FOR ABOUT TWO YEARS. I ASKED BUNNER IF HE KNEW A GIRL BY THE NAME OF [REDACTED] AND HE CONFIRMED THAT HE DID. I ASKED BUNNER HOW HE KNEW [REDACTED] AND HE SAID THAT HE KNEW HER AS A FRIEND AND HE WENT ON TO SAY THAT THEY (BUNNER AND KEVIN THOMPSON) TOOK HER OUT DRINKING.

I TOLD BUNNER THAT [REDACTED] HAD MADE ALLEGATIONS THAT SEXUAL ACTIVITY OCCURRED BETWEEN SHE, BUNNER AND THOMPSON AND THAT THIS SEXUAL ACTIVITY WAS NOT CONSENSUAL ON HER PART AND JOSH BUNNER REPLIED "THAT'S NOT TRUE". I ASKED HIM IF IT WAS CONSENSUAL AND HE REPLIED "YES".

BUNNER WENT ON TO TELL ME THAT THEY WERE DRINKING BEERS IN A WOODED AREA IN LOXAHATCHEE CALLED THE WHOOPTIES. JOSH INITIALLY SAID THAT [REDACTED] ROBERTS HAD TWO OR THREE BEERS. JOSH ALSO SAID THAT [REDACTED] WAS PLAYING LIKE SHE WAS GOING TO GO TO SLEEP WHILE THEY WERE IN THE WOODS.

I ASKED JOSH BUNNER TO TELL ME EXACTLY WHAT HAPPENED THAT NIGHT AND HE SAID "WE HAD SEX BASICALLY". I ASKED JOSH WHO HE MEANT BY SAYING WE HAD SEX AND HE REPLIED "ALL OF US", REFERRING TO JOSH, KEVIN THOMPSON AND [REDACTED]. I ASKED JOSH WHERE THIS HAPPENED AND HE REPLIED "IN THE CAR".

I ASKED JOSH BUNNER ABOUT HIS SEXUAL ENCOUNTER WITH [REDACTED] AND HE SAID "IT JUST HAPPENED, LIKE THAT, IT'S NOT SOMETHING YOU PLAN FOR". I ASKED BUNNER IF HE USED ANY PROTECTION AND HE SAID THEY USED A CONDOM. I ASKED BUNNER IF HE OR KEVIN WAS THE FIRST ONE TO HAVE SEX WITH [REDACTED] AND HE SAID "THAT WOULD PROBABLY BE ME".

I ASKED BUNNER HOW THE SEXUAL ACTIVITY GOT STARTED AND HE REPLIED "SHE WAS DRINKING AND SHE WAS ABOUT TO PASS OUT AND I SAID YOU CAN'T GO TO SLEEP, WE'RE STILL DRINKING BEERS". JOSH SAID [REDACTED] REPLIED "I'M GOING TO GO TO SLEEP" AND HE SAID "NO, YOU CAN'T GO TO SLEEP". JOSH SAID THAT [REDACTED] SAID TO HIM SOMETHING TO THE EFFECT OF WHY DON'T YOU KEEP ME AWAKE.

I ASKED BUNNER IF THEY WERE ABLE TO KEEP [REDACTED] AWAKE AND HE SAID "IT WAS AN INCENTIVE AT THE TIME, YOU KNOW WHAT I'M SAYING, IF YOU WERE IN THE SAME POSITION". I ASKED BUNNER IF THERE WAS ANY TALK PRIOR TO THE ACTUAL SEXUAL ACTIVITY ABOUT THEM HAVING SEXUAL RELATIONS AND HE SAID THERE WAS NOT ANY TALK OF THAT. I ASKED BUNNER TO TELL ME EXACTLY WHAT HAPPENED ABOUT HE AND [REDACTED] HAVING SEX AND HE SAID "WE WERE HAVING INTERCOURSE BASICALLY". I ASKED HIM WHERE THAT WAS AND HE REPLIED "IN KEVIN'S CAR, IN THE FRONT SEAT".

I ASKED BUNNER HOW THEY WERE POSITIONED AND HE SAID IT WAS HARD TO DESCRIBE. HE SAID THAT KEVIN WAS IN THE DRIVER'S SEAT AND THAT HE WAS IN THE PASSENGER SEAT AND THAT SHE ([REDACTED]) WAS IN THE MIDDLE. I ASKED BUNNER HOW HE WAS ABLE TO HAVE INTERCOURSE WITH [REDACTED] IN THAT POSITION

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3  
CASE NO. 98041883 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN

AND HE SAID "LEANING OVER THE FRONT SEAT". AT THIS POINT, KEVIN ASKED WHAT THIS (INTERVIEW) WAS ABOUT BEFORE WE CARRIED ON ANY FURTHER. I TOLD HIM THAT [REDACTED] MADE A REPORT THAT HE AND KEVIN RAPED HER AND I EXPLAINED I WAS ATTEMPTING TO GET THE STATEMENTS FROM HE AND KEVIN AS TO EXACTLY WHAT HAPPENED. AT THAT POINT, KEVIN TOLD ME THAT [REDACTED] HAS SLEPT AROUND.

I ASKED BUNNER IF SHE ([REDACTED]) HAD CLOTHES ON AND HE SAID SHE HAD PANTS AND A SHIRT ON. I ASKED HIM HOW HE WAS ABLE TO HAVE SEXUAL INTERCOURSE WITH HER WITH HER CLOTHES ON AND HE SAID THAT SHE TOOK THEM OFF. JOSH INDICATED THAT [REDACTED] WAS ON TOP OF HIM AT ONE POINT DURING THE SEXUAL INTERCOURSE. I ASKED JOSH BUNNER WHAT KEVIN THOMPSON WAS DOING AT THAT POINT AND HE SAID "WATCHING". JOSH WENT ON TO TELL ME THAT "AT NO POINT DID I HEAR NO, I GUESS THAT'S THE IMPORTANT THING".

I ASKED JOSH BUNNER WHAT HE WITNESSED BETWEEN KEVIN AND [REDACTED] AND HE SAID "THEY PROCEEDED TO HAVE INTERCOURSE, I GUESS SHE DIDN'T LIKE IT WITH KEVINSO THAT STOPPED PRETTY QUICKLY". I ASKED JOSH IF [REDACTED] TOLD KEVIN NO OR TO STOP AND HE REPLIED SHE DID NOT. I ASKED JOSH WHAT HE MEANT BY THE STATEMENT ABOUT [REDACTED] STOPPING THE SEX QUICKLY WITH KEVIN AND HE REPLIED "I GUESS SHE GAVE HIM THE IMPRESSION THAT SHE DID NOT WANT TO HAVE INTERCOURSE WITH HIM, BUT SHE NEVER SAID NO, THAT'S THE MAIN THING THAT MATTERS. I NEVER HEARD NO OUT OF HER MOUTH". I ASKED JOSH HOW KEVIN AND [REDACTED] ENDED UP HAVING SEXUAL INTERCOURSE AND HE REPLIED "I GUESS I JUST FINISHED AND THEY PROCEEDED".

I ASKED JOSH BUNNER HOW KEVIN AND [REDACTED] WERE POSITIONED AND HE SAID "AT ONE POINT, I GUESS [REDACTED] WAS FACING HIM, BUT THEN THEY WERE ON THE SEAT AND THEY WERE AT AN ANGLE TOWARDS THE STEERING WHEEL I GUESS".

I ASKED JOSH IF KEVIN THOMPSON FORCED INTERCOURSE ON [REDACTED] AND HE REPLIED "NO". I ASKED HIM IF HE WAS SURE AND HOW HE KNEW THAT AND HE SAID "BECAUSE ONCE SHE GAVE UP, HE DIDN'T WANT ANYMORE TO DO WITH IT, HE KNEW THAT SHE DIDN'T WANT HIM".

I ASKED JOSH IF [REDACTED] HAD SEX WITH HE AND KEVIN AT THE SAME TIME AND HE SAID "NO". I ASKED JOSH IF HE SAW KEVIN AND [REDACTED] HAVING ORAL SEX AND HE SAID "NO". I ASKED JOSH WHAT HIS DEFINITION OF SEXUAL INTERCOURSE WAS AND HE SAID "PENIS FLOWING THROUGH THE VAGINA". I ASKED JOSH WHAT HIS DEFINITION OF ORAL SEX WOULD BE AND HE SAID "CARESSING PRIVATE PARTS". I TOLD JOSH WHEN I USED THE TERM ORAL SEX THAT I MEAN IN REGARDS TO A FEMALE WOULD BE HER PUTTING HER MOUTH ON A PENIS AND IN REGARDS TO A MALE IT WOULD BE HIM PUTTING HIS MOUTH ON A VAGINA. I ASKED HIM IF HE UNDERSTOOD THAT AND HE SAID THAT HE DID. I ASKED JOSH IF [REDACTED] PERFORMED ORAL SEX ON KEVIN AND HE REPLIED "NO". I ASKED JOSH IF KEVIN PERFORMED ORAL SEX ON [REDACTED] AND HE REPLIED "NO". I ASKED JOSH IF [REDACTED] PERFORMED ORAL SEX ON HIM AND HE REPLIED "NO". I ASKED JOSH IF HE PERFORMED ORAL SEX ON [REDACTED] AND HE

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 4  
CASE NO. 98041883 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN

REPLIED NO.

I WENT OFF TAPE AT 4:06PM TO LOOK OVER THE REPORT. I WENT BACK ON TAPE AT 4:09PM AND I DID NOT ASK JOSH BUNNER ANY QUESTIONS OFF TAPE AND WHEN WE WERE BACK ON TAPE I ASKED HIM IF THIS WAS TRUE AND HE CONFIRMED THAT NO QUESTIONS WERE ASKED OFF TAPE. I ALSO RE-CONFIRMED WITH JOSH BUNNER THAT HE COULD TERMINATE THE INTERVIEW AT ANY TIME.

I ASKED JOSH BUNNER IF HE REMEMBERED HE AND KEVIN PICKING UP [REDACTED] AT HER BOYFRIEND'S HOUSE AND HE DID NOT REMEMBER. I ASKED JOSH IF HE SAID EARLIER IN THIS INTERVIEW THAT VIRGINIA ALMOST PASSED OUT AND HE SAID "NO, SHE WAS ACTING LIKE SHE WAS GOING TO GO TO SLEEP". I ASKED JOSH BUNNER IF [REDACTED] APPEARED INTOXICATED AND HE SAID "YES, I GUESS SO". I AGAIN ASKED JOSH IF HE REMEMBERED HOW MANY BEERS [REDACTED] HAD AND HE REPLIED NO. I ALSO ASKED JOSH IF HE KNEW HOW OLD [REDACTED] WAS AND HE REPLIED NO. I ASKED JOSH IF HE HAD ANY RECOLLECTION IF [REDACTED] WAS ON HER PERIOD AND HE SAID HE HAD NO RECOLLECTION.

I ASKED JOSH BUNNER HOW MANY TIMES HE HAD SEXUAL INTERCOURSE WITH [REDACTED] AND HE REPLIED "TWICE". HE SAID ONE (ENCOUNTER) HAPPENED IN THE FRONT SEAT AND ONE (ENCOUNTER) HAPPENED IN HIS ROOM AT HIS HOUSE AFTER THEY LEFT THE WOODED AREA.

JOSH BUNNER THEN SAID "MAY I ASK WHAT THIS IS ABOUT". I REMINDED JOSH THAT I HAD ANSWERED THAT QUESTION EARLIER AND I AGAIN WENT ON TO TELL HIM THAT [REDACTED] REPORTED THAT SHE WAS RAPED BY HE AND KEVIN THOMPSON. I ASKED JOSH IF HE REMEMBERED ME TELLING HIM THAT EARLIER IN THE INTERVIEW AND HE REPLIED "I REMEMBER NOW, I HAVE A BAD MEMORY".

AGAIN, I ASKED JOSH BUNNER IF HE HAD ANY MEMORY OF KEVIN FORCING SEXUAL INTERCOURSE ON [REDACTED] AND HE SAID "NO, I WAS PRETTY INTOXICATED MYSELF, EVERYBODY WAS INTOXICATED". I ASKED JOSH IF KEVIN COULD HAVE FORCED INTERCOURSE ON [REDACTED] AND HE SAID "I CAN'T SAY YES AND I CAN'T SAY NO, I WAS OUT OF THE CAR SOME OF THE TIME".

I TOLD JOSH THAT [REDACTED] REPORTED THAT THEY RETURNED TO HIS HOUSE AND HAD SEXUAL INTERCOURSE IN HIS ROOM AND HE CONFIRMED THAT THIS WAS TRUE. I ASKED JOSH HOW [REDACTED] LEFT HIS RESIDENCE AND HE SAID SHE WENT ON THE BUS WITH HIS BROTHER. I WENT OFF TAPE AT 4:07PM TO REVIEW MY REPORT. I WAS BACK ON TAPE AT 4:18PM AND I ASKED JOSH ON TAPE IF I'D ASKED HIM ANY QUESTIONS OFF TAPE AND HE REPLIED "NO SIR".

I TOLD JOSH BUNNER THAT [REDACTED] REPORTED THAT THEY SMOKED POT AND THAT THEY SMOKED ONE OR TWO JOINTS AND I ASKED HIM IF HE REMEMBERED HOW MANY THEY SMOKED AND HE SAID "NO". I ASKED HIM IF IT WOULD HAVE BEEN AT LEAST ONE (JOINT) AND HE REPLIED "I DON'T EVEN REMEMBER SMOKING POT". I TOLD JOSH BUNNER THAT [REDACTED] SAID THAT THEY HAD SMOKED TWO JOINTS AND I ASKED IF HE REMEMBERED THAT AND HE SAID "NO". JOSH MADE THE STATEMENT "I MAYBE

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 5  
CASE NO. 98041883 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: OPEN

REMEMBER SMOKING A BOWL, A PIPE". I ASKED JOSH IF THE BOWL OR PIPE HAD MARIJUANA IN IT AND HE REPLIED YES. I ASKED JOSH IF HE REMEMBERED IF KEVIN SMOKED ANY OF THE MARIJUANA AND HE REPLIED "I'M SURE HE DID". I ASKED JOSH IF THIS WAS BEFORE OR AFTER THE SEXUAL INTERCOURSE AND HE REPLIED "PROBABLY BEFORE".

PRIOR TO ENDING THE INTERVIEW, I TRIED TO ASK JOSH SOME "CLEAN UP" QUESTIONS. I ASKED JOSH IF THE SEXUAL INTERCOURSE BETWEEN HE AND [REDACTED] WAS FORCED AND HE REPLIED NO. I ASKED HIM HOW MANY BEERS HE HAD THAT NIGHT AND REPLIED "ABOUT EIGHT OR NINE". I ASKED JOSH IF HE REMEMBERED HOW LONG THEY WERE OUT IN THE WOODS AND HE REPLIED NO. I SAID THAT [REDACTED] INDICATED THEY WERE THERE FOR ABOUT FIVE HOURS. I ASKED JOSH IF THAT WOULD SOUND ABOUT RIGHT AND HE REPLIED "NO, IT MIGHT HAVE BEEN AN HOUR OR TWO".

AFTER THE INTERVIEW, JOSH WENT INSIDE AND SPOKE TO HIS FATHER. JOSH'S FATHER RETURNED AND INFORMED ME THAT HE WANTED TO CONTACT JOSH'S ATTORNEY. IN THE MEANTIME, I HAD PREVIOUSLY ASKED JOSH IF HE WOULD SHOW ME KEVIN THOMPSON'S HOUSE AND HE AGREED TO DO THIS. JOSH'S FATHER DROVE WITH US AS WE DROVE TO THE ACREAGE AREA OF ROYAL PALM BEACH WHERE JOSH IDENTIFIED 12435 N. 52ND RD. AS BEING THE RESIDENCE OF KEVIN THOMPSON. AN INTERVIEW WILL BE CONDUCTED WITH KEVIN THOMPSON REGARDING THESE ALLEGATIONS. I MADE AN AGREEMENT WITH RICK SATURN, THE ATTORNEY FOR JOSH BUNNER, THAT JOSH CAN TURN HIMSELF IN TO MYSELF AT THE SHERIFF'S OFFICE ON MONDAY, 8-24-98 AT 2:30PM. PENDING FURTHER FOLLOW UP INVESTIGATION, CASE WILL REMAIN CLASSIFIED AS OPEN.

DET. ARNOLD/3553/RAMIREZ/4213/8-26-98

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 SUPPLEMENT 7 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: CLEARED BY ARREST  
DIVISION: DETECTIVE

911: N \* C O N F I D E N T I A L \*  
SEXUAL BATTERY \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 08/25/98 WEDNESDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD BART ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A  
..

ON 08/24/98, AT 1430 HOURS, I MET WITH JOSHUA BUNNER IN THE LOBBY OF THE SHERIFF'S OFFICE. JOSHUA BUNNER HAD COME TO TURN HIMSELF IN REGARDS TO PROBABLE CAUSE FOR HIS ARREST FOR A CHARGE OF LEWD ASSAULT UPON A CHILD UNDER 16 YEARS OF AGE. I TOOK JOSHUA UPSTAIRS WHERE PAPERWORK CONCERNING HIS ARREST WAS COMPLETED. JOSHUA WAS TRANSPORTED AND TURNED OVER TO THE PALM BEACH COUNTY JAIL.

CASE IS CLEARED BY ARREST, BUT STILL REMAINS UNDER INVESTIGATION CONCERNING SUSPECT KEVIN THOMPSON.  
DET. BART ARNOLD (3553)/JP TRANS. 08/28/98

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RIC L. BRADSHAW, SHERIFF

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CASE NO. 98041883 PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
SUPPLEMENT 8 OFFENSE REPORT CASE NO. 98041883

DISPOSITION: CLEARED BY ARREST  
DIVISION: DETECTIVE

911: N \* C O N F I D E N T I A L \*  
SEXUAL BATTERY \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 09/14/98 WEDNESDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:

NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET

OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A

ON 9-3-98, I WAS FINALLY ABLE TO MAKE CONTACT WITH KEVIN P. THOMPSON IN REGARDS TO THIS INVESTIGATION. I INFORMED KEVIN THAT I NEEDED TO SPEAK WITH HIM ABOUT A CRIMINAL INVESTIGATION AND ASKED HIM WHEN HE WOULD BE AVAILABLE TO COME TO THE SHERIFF'S OFFICE FOR AN INTERVIEW. THOMPSON INFORMED ME THAT HE WAS AVAILABLE ON THIS SAME DATE (9-3-98) AND WE AGREED TO MEET AT THE SHERIFF'S OFFICE AT 6:00PM.

I MET WITH KEVIN THOMPSON AND HIS FATHER IN A CONFERENCE ROOM AT THE SHERIFF'S OFFICE AT APPROXIMATELY 6:00PM. I EXPLAINED TO MR. THOMPSON AND TO KEVIN THE ALLEGATIONS IN THIS CASE CONCERNING THE FACT THAT [REDACTED] WAS REPORTING THAT SHE HAD BEEN RAPED BY KEVIN THOMPSON AND JOSHUA BUNNER. I ASKED KEVIN THOMPSON IF HE WOULD BE WILLING TO PROVIDE ME A STATEMENT IN REGARDS TO THESE ALLEGATIONS AND HE WAS AGREEABLE TO THIS. KEVIN'S FATHER, MR. THOMPSON WAS ALSO IN AGREEMENT THAT KEVIN SHOULD PROVIDE A STATEMENT. MR. THOMPSON REQUESTED TO LEAVE THE BUILDING TO SMOKE A CIGARETTE, DURING WHICH TIME I CONDUCTED A TAPED INTERVIEW WITH KEVIN THOMPSON.

PRIOR TO ASKING KEVIN THOMPSON THE FACTS CONCERNING THE ALLEGATIONS IN THIS CASE, I READ HIM HIS MIRANDA RIGHTS AND HE CONFIRMED THAT HE UNDERSTOOD THOSE MIRANDA RIGHTS AND SIGNED A MIRANDA RIGHTS CARD. KEVIN THOMPSON ADMITTED THAT HE HAD ENGAGED IN SEXUAL RELATIONS WITH [REDACTED] ON OR ABOUT THE DATE IN QUESTION AND THOMPSON ADMITTED THAT JOSHUA BUNNER WAS THERE ALSO. KEVIN THOMPSON INDICATED IN HIS INTERVIEW THAT THE SEXUAL ACTIVITY BETWEEN HE AND [REDACTED] WAS CONSENSUAL AND NOT

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RIC L. BRADSHAW, SHERIFF

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 98041883 SUPPLEMENT 8 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: CLEARED BY ARREST

FORCED AS REPORTED BY [REDACTED].

ON OR ABOUT 9-14-98, I CONFERRED WITH SGT. NEIGHBORS CONCERNING HOW KEVIN THOMPSON WAS TO BE PROCESSED BASED ON THE FACT THAT HE WAS NOW AN ADULT, BUT THAT HE WAS A JUVENILE AT THE TIME THE CRIME WAS COMMITTED. SGT. NEIGHBORS INFORMED ME THAT THOMPSON SHOULD THEREFORE BE PROCESSED AS A JUVENILE. I ASKED SGT. NEIGHBORS IF IT WAS PERMISSIBLE TO PROCESS THOMPSON AT THE JAIL AND THEN RELEASE HIM TO HIS FATHER AND SGT. NEIGHBORS INFORMED ME THAT THIS WAS OKAY.

ON 9-14-98, KEVIN THOMPSON WAS BROUGHT TO THE SHERIFF'S OFFICE BY HIS FATHER AND ALSO ATTORNEY MICHAEL SARNICK. I TOOK THOMPSON TO THE JAIL WHERE HE WAS PHOTOGRAPHED AND PRINTED AND THEN RELEASED BACK TO HIS FATHER'S CUSTODY. CASE REMAINS CLEARED BY ARREST.

FOR VERBATIM STATEMENT OF KEVIN THOMPSON'S INTERVIEW, PLEASE REFER TO THE VIDEO TAPE ON FILE IN THE SHERIFF'S OFFICE EVIDENCE ROOM.  
DET. ARNOLD/3553  
RAMIREZ/4213/9-30-98

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RIC L. BRADSHAW, SHERIFF

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 98041883 SUPPLEMENT 9 OFFENSE REPORT CASE NO. 98041883  
DISPOSITION: CLEARED BY ARREST  
DIVISION: DETECTIVE  
911: N CONFIDENTIAL  
SEXUAL BATTERY \* \* \*  
SIGNAL CODE: CRIME CODE: NON CRIME CODE: CODE: 110A 12/03/98 WEDNESDAY  
ZONE: B71 GRID: DEPUTY I.D.: 3553 NAME: ARNOLD ASSIST: TIME D 1603 A 1618 C 1705  
OCCURRED BETWEEN DATE: 02/28/98 , 1630 HOURS AND DATE: , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: APT. NO.:  
CITY: STATE: ZIP:  
NO. OFFENSES: 01 NO. OFFENDERS: 02 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: PARK / WOODLANDS / FIELD  
NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0 WEAPON TYPE: HANDS / FISTS / FEET  
OFFENSE NO. 1 FLORIDA STATE STATUTE: 794 011 CIS CODE 110A  
..

I RECEIVED A LETTER FROM ASA TERESA BOWMAN CONCERNING THE FILING  
DISPOSITION ON THIS CASE. BOWMAN'S LETTER SAID THAT THIS CASE IS NO FILED  
DUE TO THE VICTIM'S LACK OF CREDIBILITY AND NO SUBSTANTIAL LIKELIHOOD OF  
SUCCESS AT TRIAL. A COPY OF THIS LETTER HAS BEEN FORWARDED TO CENTRAL  
RECORDS.  
DET. ARNOLD/3553  
RAMIREZ/4213/12-8-98

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RIC L. BRADSHAW, SHERIFF

GM\_00775

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR  
PROTECTIVE ORDER REGARDING FINANCIAL INFORMATION**

Plaintiff, Virginia Giuffre, by and through her undersigned counsel, files this Response in Opposition to Defendant's Motion for a Protective Order Regarding Financial Information (DE 370). Defendant's financial information is highly relevant to this case, particularly in light of Ms. Giuffre's punitive damages claim as well as press reports suggesting that the Defendant may be selling her assets in New York and transferring the money outside the jurisdiction. Accordingly, Defendant's motion for a protective order should be denied.<sup>1</sup>

**I. PRELIMINARY STATEMENT**

As recounted by Defendant (DE 370 at 1-3), Ms. Giuffre has served discovery requests on Defendant, seeking certain financial information from the Defendant. The requests are narrowly tailored to the time frame related to this case, as the requested information concerns

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<sup>1</sup> Contemporaneous with the filing of this response to Defendant's motion for a protective order regarding financial information, Ms. Giuffre has also filed a motion to compel Defendant to produce the requested financial information. This parallel filing is apparently required because Ms. Giuffre does not simply seek the negative relief of denial of Defendant's requested protective order but also the affirmative relief of a Court order requiring production of the materials.



financial information from just the time during which Defendant has defamed Ms. Giuffre (2015 to present).

As with most of the other discovery requests she has received, Defendant has chosen not to produce *any* information. Instead, she has filed this motion for a blanket protective order, arguing that financial discovery has no relevance whatsoever to any issue in this case. Of course, given the broad scope of discovery, the Court can grant Defendant's motion only if no relevance exists at all. But in fact, Defendant's financial information is highly relevant to at least three issues in this case. First, Defendant's recent efforts to conceal assets from the reach of this Court proves consciousness of her guilt of sex trafficking. Second, Defendant's financial affairs will show dependence on Epstein for financial support, an issue highly relevant to motive.<sup>2</sup> Third, as Defendant herself appears to admit, the discovery is relevant to the size of the punitive damage award that the jury should enter in this case. Facts relevant to each of these three points are set out in order below.

**A. Discovery of Financial Information is Relevant to Show Defendant's Transfer of Assets Out of the Jurisdiction after the Commencement of Litigation and thus Her Consciousness of Guilt.**

The requested financial information is relevant to issues relating to Defendant's apparent attempt to conceal assets from the Court. The timing of recent events is telling here. As the Court will recall, in court pleadings filed December 30, 2014, Ms. Giuffre initially publicly alleged Defendant had sexually abused her. On September 21, 2015, Ms. Giuffre filed her lawsuit against Defendant here in the Southern District of New York. (DE 1.) Ms. Giuffre is seeking at least \$50 million in compensatory and punitive damages from Ms. Maxwell. Just a few months after the suit was filed, on April 28, 2016, the *New York Post* reported that

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<sup>2</sup> As recently as 2005, Defendant was on Epstein's Palm Beach House bank account for Palm Beach. Bates Number SAO FOIA disc 7 (bates Giuffre 007590) at p. 93-95.

Defendant, “the daughter of the late disgraced press baron Robert Maxwell, has sold her townhouse at 116 E. 65<sup>th</sup> St. for \$15 million.” *See* <http://nypost.com/2016/04/28/alleged-epstein-madam-sells-16m-manhattan-townhouse/>. When questioned about the sale, Defendant’s representative refused to comment. *See id.* (broker Shari Scharfer Rollins, of Douglas Elliman, did not return calls).

The transfers of assets, likely out of the jurisdiction of this Court, provides evidence of consciousness of criminal guilt and civil liability. Clearly, Ms. Giuffre is entitled to explore all the circumstances surrounding the timing and consummation of this sale, including whether Defendant has now secreted these assets someplace where they may be difficult to reach, such as in the United Kingdom (where, on information and belief, Maxwell is a UK citizen holding a UK passport) or elsewhere.

Maxwell’s removal and apparent concealment of assets takes place against a backdrop of disregard of court orders by Maxwell and others involved in the Epstein sex trafficking organization. In 2009, before suit was ever filed in this case, Maxwell was served with a subpoena for a deposition in a civil case against Jeffrey Epstein. After extensive discussion and coordinating a convenient time and place, as well as ultimately agreeing to a confidentiality agreement prepared by Maxwell’s attorney, at the eleventh hour Maxwell’s attorney informed plaintiff’s counsel that Maxwell’s mother was very ill and that consequently Maxwell was leaving the country with no plans to return. The deposition was cancelled. Yet a short time later, Maxwell was photographed at Chelsea Clinton’s wedding in Rhinebeck, New York, confirming the suspicion that she was indeed still in the country and willing to say anything to avoid her deposition.

Similarly, the Court is familiar with the long (and still on-going) effort of Ms. Giuffre’s efforts to take the depositions of those who participated with Defendant in sexual abuse --

including Jeffrey Epstein, Nadia Marcikova, and Sarah Kellen – depositions that have thus far been defeated by evasions of service of process and other similar maneuvers. *See* DE 160, Motion for Leave to Serve Three Deposition Subpoenas by Means Other than Personal Service, which this Court granted on June 20, 2016; DE 308, Motion for Finding Civil Contempt against Sarah Kellen for Ignoring Subpoena (pending); DE 310, Motion for Finding of Civil Contempt against Nadia Marcinkova for Ignoring Subpoena (pending). Similarly, the Court will recall that Ms. Giuffre was recently forced to resort to the Hague Convention in an effort to depose Maxwell’s spokesman, Ross Gow, about statements he made on Defendant’s behalf. *See* DE 306, Motion for Extension of Time to Complete Discovery to Serve and Depose Ross Gow (pending); DE 330 and 331, Application for Letters Rogatory (application granted and letter issued by the Court on August 11, 2016 (DE 358)).

Against the backdrop of these repeated evasion efforts, Defendant’s sale of \$15 million in assets appears even more alarming. And, evidence of consciousness of guilt is admissible in criminal cases, even where the standard of proof is much higher than in a civil case. *See, e.g., United States v. Amuso*, 21 F.3d 1251, 1258 (2d Cir. 1994) (recognizing admissibility of evidence from which a jury could find consciousness of guilt). Ms. Giuffre is entitled to explore all the circumstances surrounding Ms. Maxwell’s apparent efforts to hide assets.<sup>3</sup>

**B. Discovery of Financial Information is Relevant to Show a Financial Link to Epstein.**

In addition to providing evidence Defendant is hiding assets, the financial information will help to establish an important link between Defendant and Jeffrey Epstein. Drawing again

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<sup>3</sup> The Court should review Defendant’s reply to this pleading carefully to see if she represents to the Court that the \$15 million in assets she has apparently concealed will be made available to satisfy any judgment that Ms. Giuffre might obtain in this case. If Defendant fails to make such a representation, the Court can draw the obvious inference that Defendant is attempting to hide her assets to escape responsibility for paying any ultimate judgment here.

on a published article from the *New York Post*, it appears that Defendant's townhouse (among other assets) might be part of a covert payoff from Epstein to Defendant. As the *Post* reports, "[a] lawyer with links to Epstein reportedly bought the townhouse for Maxwell, who has allegedly never earned enough or inherited enough to make the purchase on her own."

<http://nypost.com/2016/04/28/alleged-epstein-madam-sells-16m-manhattan-townhouse/>. This article suggests that Defendant is reliant upon Epstein for tremendous financial support, which certainly provides a strong motive for her to provide favors to Epstein – including providing him with underage girls for sex. It also provides a strong motive for her to lie at trial about Epstein's (and her own) sex trafficking. Indeed, to conceal these facts, other media reports suggest that the reason that Defendant was trying to sell her townhouse "quietly" was perhaps "to put some distance between herself and Epstein, who owns a mansion a few blocks away."

<http://pagesix.com/2015/02/02/accused-epstein-madam-quietly-selling-ues-townhouse/>.

Again, perhaps there is some innocent explanation for these secretive efforts. But, if so, Defendant has declined to provide it. *See id.* (noting Defendant's "rep didn't comment").

**C. Discovery of Financial Information is Relevant to the Issue of the Size of any Punitive Damages.**

Financial information regarding Defendant is also highly relevant to Ms. Giuffre's punitive damages claim. Of course, it is well-settled law that "evidence of a tortfeasor's wealth is traditionally admissible as a measure of the amount of punitive damages that should be awarded." *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 270 (1981). As explained by the Reporters of the American Law Institute's *Restatement of Torts*, when considering the size of punitive damages "[t]he wealth of the defendant is also relevant, since the purposes of exemplary damages are to punish for a past event and to prevent future offenses, and the degree of

punishment or deterrence resulting from a judgment is to some extent in proportion to the means of the guilty person.” *Restatement (Second) of Torts* § 908, cmt. e (1979).

Defendant does not attempt to quarrel with the proposition that her vast wealth is relevant to Ms. Giuffre’s punitive damages claim. *See, e.g.*, DE 370 at 6 (citing case allowing information about a defendant’s wealth to be presented to the jury). Instead, it appears that her only argument concerns the *timing* of the disclosure of such information, an issue discussed below. For purposes of setting out the salient facts, then, it is enough to note here that even Defendant has to ultimately concede that discovery about her financial information is relevant to this case.

## II. DISCUSSION

Because discovery regarding Defendant’s financial circumstances and recent transactions is relevant to this case for multiple reasons, Ms. Giuffre is entitled to discovery regarding that information. Under Federal Rule of Civil Procedure 34(a), a party may request that another party produce documents in her possession so long as the documents are within the scope of Fed. R. Civ. P. 26(b), which allows for broad discovery regarding any non-privileged matter that is relevant to any party’s claim or defense. Information within this scope of permitted discovery need not be admissible in evidence to be discoverable. Relevance is still to be “construed broadly to encompass any matter that bears on, or that reasonably could lead to other matter that could bear on” any party’s claim or defense. *State Farm Mut. Auto. Ins. Co. v. Fayda*, No. 14CIV9792WHPJCF, 2015 WL 7871037, at \*2 (S.D.N.Y. Dec. 3, 2015) (granting motion to compel). For reasons explained above, the financial information sought is relevant to issues in this case, and, accordingly Defendant’s motion for a protective order should be denied. There is also no sound reason for delaying discovery on these issues.

**A. Discovery of Financial Information is Appropriate Pre-Trial to Avoid the Need to Summon Two Separate Juries to Hear the Evidence in the Case.**

Seemingly recognizing the fact that discovery regarding her financial information is appropriate, Defendant's ultimate argument appears not to be that the discovery is improper, but rather that it should be delayed until after the trial starts. Thus, Defendant's first specific argument section is that financial "discovery is not appropriate pre-trial." DE 370 at 6. In support of this proposition, Defendant's lead citation is a forty-year-old New York case, *Rupert v. Sellers*, 48 A.D.2d 265 (4<sup>th</sup> Dept. 1975). But as much more recent authority from the Southern District of New York explains, *Rupert* is inapplicable to discovery issues because the case relates solely to the sequence with which evidence can be produced at trial:

[Defendant's] reliance on *Rupert v. Sellers*, 48 A.D.2d 265, 368 N.Y.S.2d 904 (4th Dep't 1975), for the proposition that punitive damages discovery is not appropriate until a plaintiff has first established liability is misguided since federal law and not state law governs questions of procedure such as discoverability. *Hazeldine v. Beverage Media, Ltd.*, No. 94 Civ. 3466 (CSH), 1997 WL 362229, at \*3 (S.D.N.Y. June 27, 1997) (citations omitted). Moreover, while the Second Circuit "has cited *Rupert* with approval, it has done so for the proposition that *evidence* of a defendant's wealth should not 'be brought out *at trial* unless and until the jury has brought in a special verdict that the plaintiff is entitled to punitive damages.' " *Id.* (citations omitted). It has not held that financial discovery such as that sought here may only be taken after a liability determination.

*Pasternak v. Dow Kim*, 275 F.R.D. 461, 463 (S.D.N.Y. 2011).

Defendant also cites another decision from this court, *Collens v. City of New York*, 222 F.R.D. 249, 254 (S.D.N.Y. 2004). DE 370 at 7. But *Collens* does not stand for the proposition that financial discovery is broadly barred, but only that on the facts of that case no such discovery was required. As a recent case from the District of New Jersey explains in allowing pre-trial discovery of financial information for punitive damages purposes:

Defendants assert that until there has been a finding of liability by the jury, punitive damage discovery is not appropriate. Defendants rely on *Collens*, where the court stated that because the issue of punitive damages is generally bifurcated



from issues of liability, and punitive damages issues thus may never arise, punitive damage discovery was not necessary at the pretrial stage. *See Collens*, 222 F.R.D. at 254. Plaintiffs assert that the same jury will decide both liability and punitive damages issues and that, as a practical matter, there is no time to conduct discovery—including depositions of the individual police officers—between the liability verdict and the charge to the jury on punitive damages. Plaintiffs' counsel represented at oral argument that if Defendants are concerned with maintaining the confidentiality of the individual police officer defendants' personal information, Plaintiffs will agree to a confidentiality order and the sealing of those portions of the deposition transcripts and documents that disclose such information until such time as there is a finding of liability, if any, as to the individual police officer defendants. . . . Insofar as Plaintiffs assert a claim under 42 U.S.C. § 1983, the Court notes that “evidence of a tortfeasor's wealth is traditionally admissible as a measure of the amount of punitive damages that should be awarded[.]” *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 270 (1981). Therefore, interrogatories seeking information about Defendants' financial condition are reasonably calculated to lead to the discovery of admissible evidence on the issue of punitive damages.

*Graham v. Carino*, No. CIV.09-4501 JEI/AMD, 2010 WL 2483294, at \*3 (D.N.J. June 4, 2010).

That pre-trial discovery on financial matters is allowed when a punitive damage issue is present in a case is confirmed by *Tillery v. Lynn*, 607 F. Supp. 399, 402-03 (S.D.N.Y. 1985). To leave the discovery until later would be burdensome on the jury – meaning that a common approach is to allow financial discovery to proceed pre-trial and then to later bifurcate the trial itself into liability and punitive damages phases:

Discovery as to defendant's personal assets may be undertaken by plaintiff at this time. It would be unduly burdensome to plaintiff, and most particularly a jury and the court, to delay resolution of the issue as to the amount of punitive damages, if any, which should be awarded until discovery as to defendant's personal assets had been completed. However, as the New York courts have recognized, “defendant's wealth should not be a weapon to be used by plaintiff to enable him to induce the jury to find the defendant guilty of malice, thus entitling plaintiff to punitive damages.” *Rupert v. Sellers*, 48 A.D.2d 265, 272, 368 N.Y.S.2d 904, 912 (4th Dep't 1975). *Accord, Chilvers v. New York Magazine Company, Inc.*, 114 Misc.2d 996, 453 N.Y.S.2d 153 (N.Y.Co.Sup.Ct.1982). Accordingly, in the interest of justice and to avoid any undue prejudice during the liability phase of this action, the trial will be bifurcated. . . . Therefore, defendant's motions for partial summary judgment and to stay discovery as to his financial status are denied.

*Tillery v. Lynn*, 607 F. Supp. 399, 402-03 (S.D.N.Y. 1985) (Motley, J.).

The holding in *Tillery* was endorsed in *Hazeldine v. Beverage Media, Ltd.*, No. 94 CIV. 3466 (CSH), 1997 WL 362229, at \*2-\*3 (S.D.N.Y. 1997), which explained” “*Tillery* followed this preferred course by bifurcating the trial, *see Simpson*, 901 F.2d at 283, but allowing pre-trial financial discovery to proceed.” Most cases in most jurisdictions outside the Southern District of New York have reached exactly the same conclusion and allowed pre-trial discovery of financial information for punitive damage purposes.<sup>4</sup>

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<sup>4</sup> See, e.g.:

- ***CEH, Inc. v. FV Seafarer***, 153 F.R.D. 491 (D.R.I.1994) (plaintiffs were not required to establish prima facie case on issue of punitive damages before they could obtain pretrial discovery of financial information of defendants; plaintiffs had alleged facts sufficient to make a non-spurious claim for punitive damages and that was sufficient to warrant discovery);
- ***E.E.O.C. v. California Psychiatric Transitions***, 258 F.R.D. 391 (E.D.Cal.2009) (evidence of employer's current financial worth was relevant to issue of punitive damages, and thus was discoverable in Title VII action alleging sexual harassment and retaliation, where complaint sought punitive damages, deposition evidence indicated that employer may have acted in reckless disregard of female employees' federal rights, and privacy concerns could be addressed with protective order);
- ***Grosek v. Panther Transp., Inc.***, 251 F.R.D. 162 (M.D. Pa. 2008) (there was no good cause to issue protective order preventing discovery of defendants' financial condition until determination was made that punitive damages were warranted; plaintiffs stated claim for punitive damages, and delaying discovery until after discovery of evidence supporting punitive damages would have been inefficient and delayed conclusion of the case);
- ***Vieste, LLC v. Hill Redwood Dev.***, No. C-09-04024 JSW DMR, 2011 WL 855831, at \*1 (N.D. Cal. Mar. 9, 2011) (allowing pre-trial discovery of Defendants' net worth and financial condition because it was clearly relevant to the issue of punitive damages);
- ***Charles O. Bradley Trust v. Zenith Capital, LLC***, 2005 WL 1030218, at \*3 (N.D.Cal. May 3, 2005) (while some federal courts have required a prima facie showing of entitlement to punitive damages before ordering discovery, the majority have not and listing cases);
- ***In re Aqua Dots Products Liability Litigation***, 270 F.R.D. 322 (N.D. Ill. 2010), *aff'd*, 654 F.3d 748 (7th Cir. 2011) (plaintiffs' discovery regarding financial information from manufacturer and distributor of recalled children's toy was discoverable in a product liability action. Plaintiffs sought punitive damages, and the distributor and manufacturer were arguably principal actors);
- ***Oakes v. Halvorsen Marine Ltd.***, 179 F.R.D. 281 (C.D. Cal. 1998) (because defendants asserted a counterclaim seeking punitive damages, they could obtain discovery regarding

Defendant also cites a decision from Judge Cote in *Tyco Intern. Ltd. v. Walsh*, which allowed a delay in seeking discovery of financial information in that case because it was not clear if the issue would become relevant. But that case involved peculiar circumstances, which permitted *discovery* of financial information to be bi-furcated without any burden on the Court. Specifically, that case involved a bench trial, which allowed a delay between the liability phase and punitive damages phases of the trial. As the Court explained. “it would be premature to force the defendant to produce his net worth information at this time. If necessary, plaintiff will have an opportunity to obtain discovery on the defendant's financial circumstances as part of any post-trial discovery. Since the trial in this matter is a bench trial, no jury will be burdened by any delay occasioned by this discovery period.” *Tyco Int’l Ltd. v. Walsh*, No. 02-CV-4633 (DLC), 2010 WL 3000179, at \*1 (S.D.N.Y. July 30, 2010).

Of course, exactly the opposite situation exists here. Defendant would apparently have the Court delay until the jury returns with its verdict in favor of Ms. Giuffre before allowing discovery to proceed on Defendant’s financial circumstances. As a practical matter, this would seem to require sending the jury empaneled to hear liability issues home and then selecting a new, second jury on punitive damages issues – a new jury which would have to somehow be shown all of the previous testimony from the liability phase. *See Hazeldine v. Beverage Media, Ltd.*, No. 94 CIV. 3466 (CSH), 1997 WL 362229, at \*2-\*3 (S.D.N.Y. 1997) (“allowing pre-trial

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plaintiffs' net worth; California limitations on such discovery did not apply in federal court);

- ***Caruso v. Coleman Co.***, 157 F.R.D. 344 (E.D. Pa. 1994) (“In products liability action, plaintiffs would be allowed discovery of defendants’ financial statements and total sales revenue on the ground they are relevant to the issue of punitive damages; information regarding punitive damages is as discoverable as information that relates to liability, and discovery could proceed without prior proof of prima facie case on punitive damages.”).

discovery [of financial information] avoids the inefficiency of a discovery delay between the liability and damages phases of trial, as well as the need to assemble a second jury.”).

Finally, Defendant relies upon *Guccione v. Flynt*, for the proposition that financial discovery is not appropriate on punitive damages issues here. But that case was *sui generis* with peculiar facts that render it inapplicable here. *See Guccione v. Flynt*, No. 83 CIV. 8020 RWS, 1985 WL 255, at \*1 (S.D.N.Y. Feb. 6, 1985) (“It should be apparent to anyone forced to review these papers and the issues presented by this action that two men with ample resources are employing lawyers and occupying space and time in the justice system to continue their personal feud. Regrettably there is to date no apparent basis to avoid the unappetizing task of ruling on these motions.”). Moreover, in that case, the Court in fact ordered the Defendant to produce financial information to be turned over to plaintiff’s counsel at the time of trial. *See id. at 1*. While that solution may have worked well in that case, it is not satisfactory here. Defendant is not an established businessperson with regularly-kept disclosure statements reporting income and related financial information. Instead, Defendant is participant in a covert, sex trafficking organization with mysterious financial arrangements and apparent, recent efforts to conceal assets. In such circumstance, Ms. Giuffre is not required to take the Defendant’s net worth statement at face value, but instead is entitled to receive it well in advance of trial so that she may investigate its accuracy.

Finally, this Court has previously rejected exactly the same arguments that are being made here. This Court explained that “[w]hile bifurcation may be the preferred method of resolving disputed issues of liability and damages, as it prevents prejudice to the defendants by keeping financial evidence out of the liability phase of the trial, this does not mean that plaintiffs should be denied pretrial financial discovery.” *Hamm v. Potamkin*, No. 98 CIV. 7425 (RWS), 1999 WL 249721, at \*2 (S.D.N.Y. Apr. 28, 1999). This Court explained that “[a]s far as the

general timing of financial disclosures is concerned, plaintiffs need not wait until after a finding of liability or a preliminary finding of damages to obtain discoverable financial information from defendants.” *Id.* Those conclusions were well-reasoned then, and remain well-reasoned now. Just as the Court refused to deny pretrial financial discovery to the plaintiff in that case, it should not deny Ms. Giuffre pretrial financial discovery here. Pre-trial discovery is the only way to ensure that Ms. Giuffre will be able to discover all the information that she needs for each of the three purposes outlined in Part I above.

**B. Discovery of Financial Information Should Not Be Delayed until a Ruling on Defendant’s Summary Judgment Motion.**

Defendant also tries to interpose one last stalling argument: That discovery of financial information should await a ruling on her anticipated summary judgment motion. This argument should be rejected for two reasons: First, any argument that Defendant might advance in a summary judgment motion would border on frivolous given the overwhelming evidence establishing her involvement in sex trafficking. Second, because the trial is drawing near, waiting for summary judgment motions to be decided would unreasonably compress the time available to Ms. Giuffre’s counsel to investigate Defendant’s financial information.

Defendant anticipates that she will “likely” file a summary judgment motion which will include an argument concerning the “substantial truth” of Defendant’s statements. DE 370 at 9. The Court will notice that even Defendant herself is not prepared to write that she will be able to prove the truth of her statements – inserting the qualifying word “substantial” in front of the word “truth,” presumably, because of the avalanche of evidence showing her deep involvement in Epstein’s sex trafficking. Defendant does not explain, for instance, how she will argue that the Court should grant summary judgment rather than allow the jury to hear Ms. Sjoberg’s testimony of how Defendant lured her from her school to have sex with Epstein under the guise

of answering phones cannot be given to the media.<sup>5</sup> Similarly, Defendant fails to explain why a jury shouldn't be allowed to consider Mr. Rizzo's testimony about how Defendant took the passport of a 15-year-old Swedish girl and threatened her when she refused to have sex with Epstein.<sup>6</sup> And certainly a reasonable jury could reach a verdict in Ms. Giuffre's favor based solely on Mr. Alessi's testimony about how Defendant brought girls over for Epstein,<sup>7</sup> or Mr. Figueroa's testimony about how Defendant would call him to bring over underage girls, and how Defendant and Epstein would have threesomes with Ms. Giuffre.<sup>8</sup>

The Court is familiar with that avalanche of mounting evidence showing sex trafficking,<sup>9</sup> which is presumably why Defendant makes only a half-hearted effort to suggest that she has a serious summary judgment motion based on "substantial truth." Instead, she gamely suggests that summary judgment might be proper on grounds that Ms. Giuffre is somehow a "libel-proof" plaintiff. DE 370 at 9. Here, too, Defendant's argument that the facts on this issue will be so

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<sup>5</sup> See McCawley Decl. at Composite Exhibit 1, Johanna Sjoborg's May 18, 2016 Dep. Tr. at 8-9, 13, 33-35, 142-143 (testifying that Defendant recruited her for sex with Epstein under the guise of answering phones, a job that lasted one day, because her second day Defendant asked her to start giving massages, and it soon made it clear that Sjoborg's purpose was to bring Epstein to orgasm so Defendant didn't have to all of the time).

<sup>6</sup> See McCawley Decl. at Composite Exhibit 2, Rinaldo Rizzo's June 10, 2016 Dep. Tr. at 52-60 (Defendant's friend's house manager, through tears, described how Defendant tried to force a 15 year old Swedish girl to have sex with Epstein through threats and stealing her passport)

<sup>7</sup> See McCawley Decl. at Composite Exhibit 3, Juan Alessi's June 1, 2016 Dep. Tr. at 28, 52-54 (Epstein's house manager, testified that Defendant was one of the people who procured the over 100 girls he witnessed visit Epstein, and that he had to clean Defendant's sex toys)

<sup>8</sup> See McCawley Decl. at Composite Exhibit 4, Figueroa June 24, 2016 Dep. Tr. Vol. 1 at 96-97 and 103 (Figueroa testified that Plaintiff told him about threesomes with Defendant and Epstein which included the use of strap-ons); and Vol. 2 at 200 (Figueroa testified that Defendant called him inquiring if he had found any other girls for Epstein)

<sup>9</sup> See, e.g., McCawley Decl. at Composite Exhibit 5, Detective Joseph Recarey's June 21, 2016 Dep. Tr. at 29-30 (the detective who led the investigation of Epstein, testified that Defendant procured underage girls for Epstein); David Rodgers' June 3, 2016 Dep. Tr. at 18, 34-36; see also Exhibit 6 Excerpted Rodgers Dep. Ex. 1 at flight #s 1433-1434, 1444-1446, 1464-1470, 1478-1480, 1490-1491, 1506, 1525-1526, 1528, 1570 and 1589 (Epstein's pilot testified that the passenger listed on his flight log bearing the initials – GM – was in fact Ghislaine Maxwell and Rodgers was the pilot on at least 23 of the flights in which Defendant flew with Plaintiff), etc.



clear-cut as to deprive Ms. Giuffre of her right to jury trial borders on frivolous. Ms. Giuffre is a courageous young woman who has come forward to reveal the broad dimensions of a sex trafficking ring – a criminal conspiracy that involved Defendant. That fact, alone, is enough to send the issue of damages to Ms. Giuffre’s reputation to a jury, particularly because any other approach would “require[] the Court to make factual findings regarding plaintiff’s reputation for a particular trait.” *Church of Scientology Int’l v. Time Warner, Inc.*, 932 F. Supp. 589, 594 (S.D.N.Y. 1996) (refusing to grant summary judgment on a libel proof plaintiff argument), *aff’d* 238 F.3d 168 (2d Cir. 2001); *see also id. citing Liberty Lobby, Inc. v. Anderson*, 746 F.2d 1563, 1568 (D.C. Cir. 1984) (“To begin with, we cannot envision how a court would go about determining that someone’s reputation had already been ‘irreparably’ damaged—*i.e.*, that *no* new reader could be reached by the freshest libel” (Scalia, J.) (emphasis in original)), *vacated on other grounds*, 477 U.S. 242 (1986).

Defendant also predicts that Ms. Giuffre will “have a *nearly* insurmountable task to demonstrate that [Defendant] acted with the requisite degrees of malice.” DE 370 at 10 (emphasis added). Of course, the qualifier gives away the game – a “nearly” insurmountable task is not one on which summary judgment is appropriate. And, in any event, once Ms. Giuffre proves at trial (as she will) that Defendant was deeply involved in Epstein’s sex trafficking ring, it becomes obvious that Defendant’s attacks on Ms. Giuffre’s credibility were uttered with malice. Defendant knew full well, for example, that Ms. Giuffre’s statements that Defendant was involved in Epstein’s sex trafficking were not “obvious lies.” She knew that because she had been involved in (among other things) **procuring multiple underage girls for Epstein to sexually abuse**<sup>10</sup> – including Ms. Giuffre herself.

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<sup>10</sup> See Message Pads concerning Defendant (GIUFFRE001523; GIUFFRE001427; GIUFFRE001451; GIUFFRE001454; GIUFFRE001460; GIUFFRE001461; GIUFFRE001464;

Further proof of malice comes from Defendant's extraordinary lack of memory about her involvement in the abuse.<sup>11</sup> For instance, Defendant cannot even recall a single flight on Epstein's private jet with Ms. Giuffre, even though flight logs show that Defendant had 23 flights with Ms. Giuffre while Ms. Giuffre was underage, and Epstein's own pilot confirmed those records.<sup>12</sup> And Defendant cannot recall the circumstances under which a photograph was taken of her, Ms. Giuffre, and Prince Andrew – all inside Defendant's London apartment. Based on Defendant's convenient and near total amnesia about documented incriminating events alone, a reasonable jury could find that she acted deliberately and maliciously when she arranged for false and defamatory statements about Ms. Giuffre to be transmitted (literally) around the globe.

Defendant is also less than forthcoming about the evidence that Ms. Giuffre will be able to produce at trial. Presumably recognizing that the statements her press agent (Ross Gow) released to the media were false and defamatory, Defendant states that there is "no other indicia of [Defendant] authorizing any statement [by Gow] regarding [Ms. Giuffre]." DE 370 at 10.

While there are many problems with that claim, perhaps it is enough to point out that Defendant's motion was filed on August 12, 2016 – and then, just four days later, on August 16, 2016 – defense counsel disclosed to Ms. Giuffre's counsel an email revealing quite clearly that

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GIUFFRE001465; GIUFFRE001436; GIUFFRE001435; GIUFFRE001472; GIUFFRE001474; GIUFFRE001492; GIUFFRE001553; GIUFFRE001388; GIUFFRE001555; GIUFFRE001556; GIUFFRE001557; GIUFFRE001392; GIUFFRE001526; GIUFFRE001530; GIUFFRE001568; GIUFFRE001536; GIUFFRE001538; GIUFFRE001541; GIUFFRE001546; GIUFFRE001399; GIUFFRE001402; GIUFFRE001405; GIUFFRE001406; GIUFFRE001449; GIUFFRE001409; GIUFFRE001410; GIUFFRE001411; GIUFFRE00; etc.); *See* McCawley Dec. at Sealed Composite Exhibit 4 Figueroa Dep. Tr. at page 200:5-12 (Defendant called him to bring girls and he brought 16 and 17 year olds).

<sup>11</sup> *See, e.g.*, McCawley Dec. at Exhibit 7, Maxwell's April 22, 2016 Dep. Tr. at 78-79, 144 (barely recollects Plaintiff at all); *see also* McCawley Decl. at Exhibit 6, Excerpted Rodgers Dep. Ex. 1 (flight records evidencing Defendant (GM) flying with Ms. Giuffre

<sup>12</sup> *See* McCawley Dec. at Sealed Composite Exhibit 5, David Rodgers' June 3, 2016 Dep. Tr. at 18, 34-36; *see also* Exhibit 6, Excerpted Rodgers Dep. Ex. 1 at flight #s 1433-1434, 1444-1446, 1464-1470, 1478-1480, 1490-1491, 1506, 1525-1526, 1528, 1570 and 1589.

Defendant and Gow had been coordinating the attacks on Ms. Giuffre. In November 10, 2015, after this defamation suit was filed, Defendant continued to use Gow as her press agent, as demonstrated in her email addressed to “Ghislaine [Maxwell] and Philip [Barden, attorney for Maxwell]”, Gow forwarded a press inquiry from the *New York Times* and then asked “[p]lease advise how you wish to respond.” See McCawley Dec. at Exhibit 8. In addition, since Defendant filed the instant motion, Ms. Giuffre has discovered an article that refers to a *yet another* of Defendant’s defamatory statements, not previously known to Ms. Giuffre. It is quoted in an article from The Sun (online), titled: “Prince Andrew’s pal Ghislaine ‘groped teen girls,’” located at <https://www.thesun.co.uk/archives/news/6754/prince-andrews-pal-ghislaine-groped-teen-girls/>.

Presumably, if further evidence of the linkages between Defendant and her press agent are required, those will be established during the deposition of Gow – which likely explains why Defendant has refused to make her press agent available for deposition, forcing Ms. Giuffre to resort to the Hague Convention to try to obtain his testimony. See DE 358, this Court’s Issuance of a Letter Rogatory.

Finally, waiting until any summary judgment is decided will effectively make it impossible for Ms. Giuffre to investigate financial issues. As things stand now, summary judgment motions must be filed by October 28, 2016. Given the ordinary time required for a response and a reply – and then a further decision by this Court – very little time would remain for the Ms. Giuffre to evaluate and investigate any financial information that might be provided by Defendant at that time. Clearly, the better approach is to allow that discovery now. See, e.g., *Munoz v. Manhattan Club Timeshare Ass’n, Inc.*, No. 11-CV-7037 JPO, 2012 WL 479429, at \*2 (S.D.N.Y. Feb. 8, 2012).

### **III. DISCOVERY OF DEFENDANT’S FINANCIAL INFORMATION SHOULD NOT BE CONFINED TO A NET WORTH STATEMENT.**

Perhaps recognizing that it is inevitable that her financial information will be relevant in this case, Defendant makes one last argument that discovery of financial information should be “limited to a sworn affidavit of net worth.” DE 370 at 13. Whatever may have been the circumstance warranting limitations in other cases, the circumstances here make that approach highly inappropriate. Once again, it is important to remember that this is not a case involving, for example, a public-traded company with audited financial statements, or a situation involving otherwise-incontestable financial information. *Cf. Hamm v. Potamkin*, No. 98 CIV. 7425 (RWS), 1999 WL 249721, at \*3 (S.D.N.Y. Apr. 28, 1999) (for purposes of pre-trial punitive damages discovery, directing corporate defendants “to produce a financial affidavit containing a statement of its total net worth and listing its income, assets, and liabilities for the past three years”).

Instead, this case involves a shadowy criminal organization, involving a kingpin with vast wealth (Jeffrey Epstein, a reported billionaire), and multi-million dollar transactions to others in the organization such as Defendant (e.g., the apparent concealed transfer, through an attorney associated with Epstein, of an apartment to Defendant worth, in 2015, \$15,000,000). Given the strong possibility of wrongdoing lurking here, a mere declaration of net worth promises to be next to worthless. To provide a simple example, if Defendant were to testify at trial she had a net worth of only ten million dollars – and not provide information about where she had hidden the fifteen million dollars associated with the sale of her apartment – then Ms. Giuffre will have little effective way to challenge the claim. Moreover, as noted above, the record is replete with multiple examples of Defendant failing to recall obvious and highly incriminating facts. Given Defendant’s amnesia about important events, it seems obvious that she may similarly be

forgetful about how many assets she has available to satisfy a judgment in this case – forgetfulness that can be easily concealed with an unelaborated net worth statement.

In addition, a net worth statement will not give Ms. Giuffre all the evidence to which she is entitled. For example, Defendant has refused to comply with a discovery request seeking information about her connection to the Clinton Foundation, claiming that such a request is “obviously intended to harass and embarrass” her. DE 370 at 11. Nothing could be further from the truth. It is Defendant who intends to argue at trial that Ms. Giuffre has made inaccurate statements about various interactions with former-President Bill Clinton. Of course, if Defendant (or any of her organizations) is receiving funding from the Clinton Foundation, that would provide a clear motive for her to slant testimony on this subject. Ms. Giuffre is entitled to explore this clear possibility of bias by obtaining information of the financial connections between Defendant and the Clinton Foundation.

Indeed, upon information and belief, Defendant owns and controls at least two corporations: Ellmax, LLC, and The TerraMar Project. Ms. Giuffre lawfully served both entities with a Rule 45 Subpoena requesting documents.<sup>13</sup> No response was made by either entity. Defendant can use both of these entities as vehicles for hiding her assets.

Defendant makes no argument that it will be difficult for her to assemble the information in question. And given that much of the information requested involves readily accessible information (such as a bank statement), no such claim is plausible. Instead, her argument ultimately rests that on the claim that the inquiries involve confidential information that is unduly intrusive. But at this discovery stage of the proceedings, all of Defendant’s financial information can be provided to Ms. Giuffre’s counsel under the protection of the existing Protective Order

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<sup>13</sup> See McCawley Dec. at Composite Exhibit 9, Subpoena to Ellmax LLC; Subpoena to The TerraMar Project.

(DE 62). As this Court has previously explained, in allowing discovery of financial information for punitive damage purposes, “any privacy interests defendants may have in confidential financial information produced to plaintiffs can be secured by the protective order issued by this Court.” *Hamm v. Potamkin*, No. 98 CIV. 7425 (RWS), 1999 WL 249721, at \*2 (S.D.N.Y. Apr. 28, 1999). Nothing in Defendant’s motion establishes that Ms. Giuffre should be barred from the kinds of ordinarily discovery that often accompanies cases in which the financial dealings of a defendant are discoverable.

This argument is also belied by the fact that Defendant sought, and received, Ms. Giuffre’s personal financial information. Specifically, she sought any payment information relating to the media. *See* Defendant’s First Set of Requests for Production at No. 30. Ms. Giuffre provided documents responsive to this request, which included her personal bank records. Defendant takes the contradictory and self-serving position that discovery concerning the personal finances of Ms. Giuffre is appropriate, yet discovery concerning her own finances is somehow inappropriate.

At the very least, the Defendant should be required to produce a “statement of [her] total net worth and listing [her] income, assets, and liabilities for the [relevant] years,” as this Court ordered in a previous case. *Hamm v. Potamkin*, No. 98 CIV. 7425 (RWS), 1999 WL 249721, at \*3 (S.D.N.Y. Apr. 28, 1999). But because that formulation came from an earlier case involving reputable corporate entities with (apparently) audited financial statements, the discovery here should be much broader – and should include all of the significant requests made by Ms. Giuffre. For example, Defendant should also be required to identify all financial transactions involving (directly or indirectly) Jeffrey Epstein, the Clinton Foundation, Ellmax LLC, The TerraMar Project, and any other person listed in the Rule 26 disclosures of either side in this case. Transactions with potential witnesses in this case are highly relevant to bias and other trial



issues. And because of concern that the Defendant is concealing assets, she should also be required to reveal all significant (greater than \$10,000) assets or other monetary transfers in since the beginning of January 1, 2015, as well as all transfers of assets or money outside of this Court's jurisdiction, including transfers overseas.

#### **IV. CONCLUSION**

Based upon the foregoing, Ms. Giuffre respectfully requests that this Court deny Defendant's motion for a protective order barring discovery into her financial situation. In a contemporaneously-filed motion to compel, Ms. Giuffre also respectfully requests that the Court grant a motion to compel Defendant to answer questions about her financial information.

Dated: August 22, 2016.

Respectfully Submitted,  
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<sup>14</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 22th day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on the individuals identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

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**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

**DECLARATION OF SIGRID MCCAWLEY IN SUPPORT OF  
PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR  
PROTECTIVE ORDER REGARDING FINANCIAL INFORMATION**

I, Sigrid McCawley, declare that the below is true and correct to the best of my knowledge as follows:

1. I am a Partner with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's Order granting my Application to Appear Pro Hac Vice.

2. I respectfully submit this Declaration in Support of Plaintiff's Response in Opposition to Defendant's Motion for Protective Order Regarding Financial Information.

3. Attached hereto as Sealed Composite Exhibit 1 is a true and correct copy of Excerpts from May 18, 2016, Deposition of Johanna Sjoborg.

4. Attached hereto as Sealed Composite Exhibit 2 is a true and correct copy of Excerpts from June 10, 2016, Deposition of Rinaldo Rizzo.

5. Attached hereto as Sealed Composite Exhibit 3 is a true and correct copy of Excerpts from June 1, 2016, Deposition of Juan Alessi.

6. Attached hereto as Sealed Composite Exhibit 4 is a true and correct copy of Excerpts from June 24, 2016 Deposition of Tony Figueroa.

7. Attached hereto as Sealed Composite Exhibit 5 is a true and correct copy of Excerpts from June 21, 2016, Deposition of Detective Joseph Recarey and June 3, 2016, Deposition of David Rodgers.

8. Attached hereto as Sealed Exhibit 6 is a true and correct copy of Excerpts from June 3, 2016, Deposition of David Rodgers Exhibit 1.

9. Attached hereto as Sealed Exhibit 7 is a true and correct copy of Excerpts from April 22, 2016, Deposition of Ghislaine Maxwell.

10. Attached hereto as Sealed Exhibit 8 is a true and correct copy of November 10, 2015 Correspondence from Ross Gow to Ghislaine Maxwell.

11. Attached here to as Sealed Composite Exhibit 9 are true copies of Ellmax, LLC and The TerraMar Project Subpoenas.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Sigrid S. McCawley  
Sigrid S. McCawley, Esq.

Dated: August 22, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid S. McCawley  
Sigrid S. McCawley (Pro Hac Vice)  
Meredith Schultz (Pro Hac Vice)  
Boies Schiller & Flexner LLP  
401 E. Las Olas Blvd., Suite 1200  
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(801) 585-5202<sup>1</sup>

---

<sup>1</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.



**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 22<sup>nd</sup> day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

Laura A. Menninger, Esq.  
Jeffrey Pagliuca, Esq.  
HADDON, MORGAN & FOREMAN, P.C.  
150 East 10<sup>th</sup> Avenue  
Denver, Colorado 80203  
Tel: (303) 831-7364  
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Email: [lmenninger@hmflaw.com](mailto:lmenninger@hmflaw.com)  
[jpagliuca@hmflaw.com](mailto:jpagliuca@hmflaw.com)

/s/ Sigrid S. McCawley  
Sigrid S. McCawley

**COMPOSITE  
EXHIBIT 1  
(Filed Under Seal)**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

May 18, 2016

9:04 a.m.

C O N F I D E N T I A L

Deposition of JOHANNA SJOBERG, pursuant  
to notice, taken by Plaintiff, at the  
offices of Boies Schiller & Flexner, 401  
Las Olas Boulevard, Fort Lauderdale, Florida,  
before Kelli Ann Willis, a Registered  
Professional Reporter, Certified Realtime  
Reporter and Notary Public within and  
for the State of Florida.

1 Q. Okay. Great.

2 All right. Do you know a female by the  
3 name of Ghislaine Maxwell?

4 A. Yes.

5 Q. And when did you first meet Ms. Maxwell?

6 A. 2001. March probably. End of  
7 February/beginning of March.

8 Q. And how did you meet her?

9 A. She approached me while I was on campus at  
10 Palm Beach Atlantic College.

11 Q. And what happened when she approached you?

12 A. She asked me if I could tell her how to  
13 find someone that would come and work at her house.  
14 She wanted to know if there was, like, a bulletin  
15 board or something that she could post, that she was  
16 looking for someone to hire.

17 Q. And what did you discuss with her?

18 A. I told her where she could go to -- you  
19 know, to put up a listing. And then she asked me if  
20 I knew anyone that would be interested in working  
21 for her.

22 Q. Did she describe what that work was going  
23 to be?

24 A. She explained that she lived in Palm Beach  
25 and didn't want butlers because they're too stuffy.

1 And so she just liked to hire girls to work at the  
2 house, answer phones, get drinks, do the job a  
3 butler would do.

4 Q. And did she tell you what she would pay  
5 for that kind of a job?

6 A. At that moment, no, but later in the day,  
7 yes.

8 Q. And what did she say?

9 A. Twenty dollars an hour.

10 Q. Was there anybody else with Ms. Maxwell  
11 when you met her?

12 A. There was another woman with her. I don't  
13 recall her or what she looks like or how old she  
14 was.

15 Q. And what happened next?

16 A. And then she asked me if I would be  
17 interested in working for her. And she told me that  
18 she was -- I could trust her and that I could jump  
19 in her car and go check out the house at that moment  
20 if I wanted.

21 And so I said, Sure, let's do it, and went  
22 to her home with her.

23 Q. And where was that home?

24 A. In Palm Beach.

25 Q. And did she describe that home as being

1 Q. And how long did you work in that position  
2 answering phones and doing --

3 A. Just that one day.

4 Q. Just that one day.

5 And did your duties change?

6 A. Well, the next time she called me, she  
7 asked me if I wanted to come over and make \$100 an  
8 hour rubbing feet.

9 Q. And what did you think of that offer?

10 A. I thought it was fantastic.

11 Q. And did you come over to the house for  
12 that purpose?

13 A. Yes.

14 Q. And when you came over to the house, was  
15 Maxwell present?

16 A. I don't recall.

17 Q. And what happened that second time you  
18 came to the house?

19 A. At that point, I met Emmy Taylor, and she  
20 took me up to Jeffrey's bathroom and he was present.  
21 And her and I both massaged Jeffrey. She was  
22 showing me how to massage.

23 And then she -- he took -- he got off the  
24 table, she got on the table. She took off her  
25 clothes, got on the table, and then he was showing



1 MS. MENNINGER: Objection, leading.

2 BY MS. McCAWLEY:

3 Q. Do you believe that from your  
4 observations, Maxwell and Epstein were boyfriend and  
5 girlfriend?

6 A. Initially, yes.

7 Q. Did Maxwell ever share with you whether it  
8 bothered her that Jeffrey had so many girls around?

9 MS. MENNINGER: Objection, leading,  
10 hearsay.

11 THE WITNESS: No. Actually, the opposite.

12 BY MS. McCAWLEY:

13 Q. What did she say?

14 A. She let me know that she was -- she would  
15 not be able to please him as much as he needed and  
16 that is why there were other girls around.

17 Q. Did there ever come a time -- did you ever  
18 take a photography class in school?

19 A. Yes.

20 Q. And did there ever come a time when  
21 Maxwell offered to buy you a camera?

22 A. Yes.

23 MS. MENNINGER: Objection, leading.

24 BY MS. McCAWLEY:

25 Q. Did Maxwell ever offer to buy you a

1 camera?

2 MS. MENNINGER: Objection, leading.

3 THE WITNESS: Yes.

4 BY MS. McCAWLEY:

5 Q. Was there anything you were supposed to do  
6 in order to get the camera?

7 MS. MENNINGER: Objection, leading.

8 THE WITNESS: I did not know that there  
9 were expectations of me to get the camera until  
10 after. She had purchased the camera for me,  
11 and I was over there giving Jeffrey a massage.  
12 I did not know that she was in possession of  
13 the camera until later.

14 She told me -- called me after I had left  
15 and said, I have the camera for you, but you  
16 cannot receive it yet because you came here and  
17 didn't finish your job and I had to finish it  
18 for you.

19 BY MS. McCAWLEY:

20 Q. And did you -- what did you understand her  
21 to mean?

22 A. She was implying that I did not get  
23 Jeffrey off, and so she had to do it.

24 Q. And when you say "get Jeffrey off," do you  
25 mean bring him to orgasm?

1 A. Yes.

2 Q. Did Ghislaine ever describe to you what  
3 types of girls Jeffrey liked?

4 A. Model types.

5 Q. Did Ghislaine ever talk to you about how  
6 you should act around Jeffrey?

7 A. She just had a conversation with me that I  
8 should always act grateful.

9 Q. Did Jeffrey ever tell you that he took a  
10 girl's virginity?

11 A. He did not tell me. He told a friend of  
12 mine.

13 Q. And what do you recall about that?

14 MS. MENNINGER: Objection, hearsay,  
15 foundation.

16 THE WITNESS: He wanted to have a friend  
17 of mine come out who was cardio-kickboxer  
18 instructor. She was a physical trainer.

19 And so I brought her over to the house,  
20 and he told my friend Rachel that -- he said,  
21 You see that girl over there laying by the  
22 pool? She was 19. And he said, I just took  
23 her virginity. And my friend Rachel was  
24 mortified.

25

1 exposed her bra, and she grabbed it and pulled it  
2 down.

3 Q. Anything else?

4 A. That was the conversation that he had told  
5 her that he had taken this girl's virginity, the  
6 girl by the pool.

7 Q. Okay. Did Maxwell ever say to you that it  
8 takes the pressure off of her to have other girls  
9 around?

10 A. She implied that, yes.

11 Q. In what way?

12 A. Sexually.

13 Q. And earlier Laura asked you, I believe, if  
14 Maxwell ever asked you to perform any sexual acts,  
15 and I believe your testimony was no, but then you  
16 also previously stated that during the camera  
17 incident that Maxwell had talked to you about not  
18 finishing the job.

19 Did you understand "not finishing the job"  
20 meaning bringing Jeffrey to orgasm?

21 MS. MENNINGER: Objection, leading, form.

22 BY MS. McCAWLEY:

23 Q. I'm sorry, Johanna, let me correct that  
24 question.

25 What did you understand Maxwell to mean

1     when she said you hadn't finished the job, with  
2     respect to the camera?

3             MS. MENNINGER:  Objection, leading, form.

4             THE WITNESS:  She implied that I had not  
5             brought him to orgasm.

6     BY MS. McCAWLEY:

7             Q.     So is it fair to say that Maxwell expected  
8             you to perform sexual acts when you were massaging  
9             Jeffrey?

10            MS. MENNINGER:  Objection, leading, form,  
11            foundation.

12            THE WITNESS:  I can answer?

13            Yes, I took that conversation to mean that  
14            is what was expected of me.

15     BY MS. McCAWLEY:

16            Q.     And then you mentioned, I believe, when  
17            you were testifying earlier that Jeffrey told you a  
18            story about sex on the plane.  What was that about?

19            MS. MENNINGER:  Objection, hearsay.

20            THE WITNESS:  He told me one time Emmy was  
21            sleeping on the plane, and they were getting  
22            ready to land.  And he went and woke her up,  
23            and she thought that meant he wanted a blow  
24            job, so she started to unzip his pants, and he  
25            said, No, no, no, you just have to be awake for

**COMPOSITE  
EXHIBIT 4  
(Filed Under Seal)**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,  
  
Plaintiff,

v.

GHISLAINE MAXWELL,  
  
Defendant.

\_\_\_\_\_/

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 1 of 2

Pages 1 - 157

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.  
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company  
B. Paul Katz Professional Center  
(SunTrust Building)  
One Florida Park Drive South  
Suite 214  
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR  
Florida Professional Reporter  
Court Reporter and Notary Public

1           Q     I guess my question is: Did she ever tell  
2     you that she had started as a regular masseuse for  
3     him and then transitioned to something other than a  
4     masseuse?

5           A     No. She never said that it transitioned.  
6     But she ended up explaining to me what had happened  
7     before, so...

8           Q     What has -- what is that?

9           A     That her and Ms. Maxwell and Jeffrey would  
10    obviously be doing stuff, all three of them  
11    together. Like I said, that they would all go out  
12    to clubs to pick up girls and try and find them to  
13    bring back for Jeffrey. And then she told me about  
14    how, like I said, her and Ms. Maxwell and Jeffrey  
15    were all intimate together on multiple occasions.

16          Q     When did she tell you this?

17          A     I'm not exactly sure on the dates.

18          Q     Was it while you were still together?

19          A     Yes.

20          Q     Did you -- had you met Ms. Maxwell?

21          A     Yeah, I had met her a couple of times.

22          Q     When did you meet Ms. Maxwell?

23          A     Dates, I'm unsure of. But it was pretty  
24    much, like I said, at Jeffrey's house in the  
25    kitchen.

1           Q     Was it earlier in the time you were with  
2     her, or...

3           A     It was about -- I'd say about six months  
4     or so. I don't know. I'm not exactly positive.

5           Q     All right. So at the time you met  
6     Ms. Maxwell, had Ms. Roberts already told you that  
7     she had been intimate?

8           A     No. She had told me about that, I  
9     believe, after I had max- -- after I had already met  
10    her.

11          Q     Okay. And tell me everything that you  
12    remember about what Ms. Roberts said about being  
13    intimate with Ms. Maxwell and Mr. Epstein at the  
14    same time.

15          A     I remember her talking about, like,  
16    strap-ons and stuff like that. But, I mean, like I  
17    said, all the details are not really that clear.  
18    But I remember her talking about, like, how they  
19    would always be using and stuff like that.

20          Q     She and Ms. Maxwell and Mr Epstein would  
21    used strap-ons?

22          A     Uh-huh (affirmative).

23          Q     How did you feel about that?

24          A     I just -- obviously not happy about it.

25          Q     What did you say?

1           A     I did not.

2           Q     When the FBI interviewed you, did you  
3 mention this to them?

4           A     I mentioned -- anything they asked me, I  
5 did not hold anything back.

6           Q     Okay. Do you recall specifically talking  
7 about sex with the Prince?

8           A     I -- I don't recall talking to them about  
9 that, but, I mean, it's -- it could be possible.

10          Q     Other than sex with the Prince, is there  
11 anyone else that Jeffrey wanted Ms. Roberts to have  
12 sex with that she relayed to you?

13          A     Mainly, like I said, just Ms. Maxwell and  
14 all the other girls.

15          Q     Ms. Maxwell wanted -- Jeffrey wanted  
16 Virginia to have sex with Ms. Maxwell?

17          A     And him, yeah.

18          Q     And did she tell you whether she had ever  
19 done that?

20          A     Yeah. She said that she did.

21          Q     And when did she tell you that?

22          A     I'm not sure on the date.

23          Q     And what did she describe having happened?

24          A     I believe I already told you that. With  
25 the strap-ons and dildos and everything.

1 MS. MENNINGER: Objection. Form.  
2 Foundation.

3 A For Jeffrey.

4 BY MR. EDWARDS:

5 Q All right. Let me fix this. Ghislaine --  
6 when Ghislaine Maxwell would call you during the  
7 time that you were living with Virginia, she would  
8 ask you what, specifically?

9 MS. MENNINGER: Objection. Form.  
10 Foundation.

11 A Just if I had found any other girls just  
12 to bring to Jeffrey.

13 BY MR. EDWARDS:

14 Q Okay.

15 A Pretty much every time there was a  
16 conversation with any of them, it was either asking  
17 Virginia where she was at, or asking her to get  
18 girls, or asking me to get girls.

19 Q All right. Let's go to that second  
20 category you just identified, which is asking  
21 Virginia to get girls. How many times were you in a  
22 room where specifically Ghislaine Maxwell would ask  
23 Virginia to bring girls?

24 A None that I can recall.

25 Q Okay. How many times -- when you say they

# **EXHIBIT 8**

## **(Filed Under Seal)**



---

From: Ross Gow [REDACTED]  
Sent: 10 November 2015 18:16  
To: Gmax; Philip Barden  
Subject: Fwd: Inquiry from The New York Times

Hi Ghislaine and Philip  
Please advise how you wish to respond...  
Best  
Ross

----- Forwarded message -----

From: Meier, Barry [REDACTED]  
Date: Tuesday, 10 November 2015  
Subject: Inquiry from The New York Times  
To: [REDACTED]

Mr. Gow,  
Good day. I am a reporter for the Times and it is my understanding that you represent Ghislaine Maxwell.  
I am working on an article about the legal fallout from the Jeffrey Epstein case.  
I anticipate mentioning the lawsuit filed earlier this year by Virginia Roberts Guiffie against Ms. Maxwell.  
How does she respond?  
Kindly advise by close of business Thursday, November 12, 2015.  
And call me if you have any questions.  
Regards,  
Barry Meier

--  
The New York Times  
620 Eighth Avenue  
New York, NY 10018  
212-556-1917  
[REDACTED]

--

Ross Gow  
Managing Partner

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[www.acuityreputation.com](http://www.acuityreputation.com)<<http://www.acuityreputation.com>>

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Devonshires Solicitors, 30 Finsbury Circus, London EC2M 7DT tel +44 (0)20 7628 7576 fax +44 (0)20 7256 7318

Where instructions have been given by Devonshires Solicitors to a barrister to work on a client's matter, we notify you, on behalf of that barrister, that you have the right to make a complaint about the service provided by that barrister or about the conduct of their Chambers. A copy of the barrister and / or their Chambers' complaints procedure may be obtained by contacting the Senior Clerk of that Chambers, whose contact details can be found online, or from us. Complaints may be made direct to the barrister / their Chambers. Please note that there may be a time limit for bringing your complaint. You may also have the right to ask the Legal Ombudsman to consider your complaint at the end of the complaints process. Information on complaints to the Legal Ombudsman, including the details of strict time limits to bring a complaint, may be found at <http://www.legalombudsman.org.uk>.

The Devonshires Foundation is proud to support Action for Kids (reg. charity 1068841), Wide horizons (reg. charity 1105847), and Theatre Royal Stratford East (reg. charity 233801) during 2014/2015.

Please consider the environment before printing this email.

# **EXHIBIT 9**

## **(Filed Under Seal)**

## UNITED STATES DISTRICT COURT

for the  
Southern District of New York

Virginia L. Giuffre

Plaintiff

v.

Ghislaine Maxwell

Defendant

Civil Action No. 15-cv-07433-RWS

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Ellmax, LLC c/o Registered Agent  
CT Corporation System, 1200 S Pine Island Road, Plantation, Florida 33324-4413

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Schedule A (attached).

Place: Boies, Schiller & Flexner LLP  
401 East Las Olas Boulevard, Suite 1200  
Fort Lauderdale, FL 33301 (954) 356-0011

Date and Time:

06/27/2016 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/15/2016

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Virginia Giuffre, who issues or requests this subpoena, are:

Sigrid McCawley Boies, Schiller &amp; Flexner LLP 401 E. Las Olas Blvd. #1200, Ft. Lauderdale, FL 33301; 954-356-0011

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 15-cv-07433-RWS

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_

on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:



**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



To: Ellmax, LLC

## **EXHIBIT A**

### **DEFINITIONS**

Wherever they hereafter appear the following words and phrases have the following meanings:

1. “Plaintiff” in the above captioned action shall mean the plaintiff Virginia Giuffre formerly known as Virginia Roberts.

2. “Defendant” in the above captioned action shall mean the defendant Ghislaine Maxwell and her employees, representatives or agents.

3. “Agent” shall mean any agent, employee, officer, director, attorney, independent contractor or any other person acting, or purporting to act, at the discretion of or on behalf of another.

4. “Correspondence” or “communication” shall mean all written or verbal communications, by any and all methods, including without limitation, letters, memoranda, and/or electronic mail, by which information, in whatever form, is stored, transmitted or received; and, includes every manner or means of disclosure, transfer or exchange, and every disclosure, transfer or exchange of information whether orally or by document or otherwise, face-to-face, by telephone, telecopies, e-mail, text, modem transmission, computer generated message, mail, personal delivery or otherwise.

5. “Document” shall mean all written and graphic matter, however produced or reproduced, and each and every thing from which information can be processed, transcribed, transmitted, restored, recorded, or memorialized in any way, by any means, regardless of technology or form. It includes, without limitation, correspondence, memoranda, notes, notations, diaries, papers, books, accounts, newspaper and magazine articles, advertisements,

photographs, videos, notebooks, ledgers, letters, telegrams, cables, telex messages, facsimiles, contracts, offers, agreements, reports, objects, tangible things, work papers, transcripts, minutes, reports and recordings of telephone or other conversations or communications, or of interviews or conferences, or of other meetings, occurrences or transactions, affidavits, statements, summaries, opinions, tests, experiments, analysis, evaluations, journals, balance sheets, income statements, statistical records, desk calendars, appointment books, lists, tabulations, sound recordings, data processing input or output, microfilms, checks, statements, receipts, summaries, computer printouts, computer programs, text messages, e-mails, information kept in computer hard drives, other computer drives of any kind, computer tape back-up, CD-ROM, other computer disks of any kind, teletypes, telecopies, invoices, worksheets, printed matter of every kind and description, graphic and oral records and representations of any kind, and electronic “writings” and “recordings” as set forth in the Federal Rules of Evidence, including but not limited to, originals or copies where originals are not available. Any document with any marks such as initials, comments or notations of any kind of not deemed to be identical with one without such marks and is produced as a separate document. Where there is any question about whether a tangible item otherwise described in these requests falls within the definition of “document” such tangible item shall be produced.

6. “Employee” includes a past or present officer, director, agent or servant, including any attorney (associate or partner) or paralegal.

7. “Including” means including without limitations.

8. “Jeffrey Epstein” includes Jeffrey Epstein and any entities owned or controlled by Jeffrey Epstein, any employee, agent, attorney, consultant, or representative of Jeffrey Epstein.

9. “You” or “Your” hereinafter means Ellmax, LLC and any employee, agent, attorney, consultant, related entities or other representative of Ellmax, LLC.

### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of **Boies Schiller & Flexner, LLP, 401 E. Las Olas Boulevard, Suite 1200, Fort Lauderdale, Florida 33301**, no later than five (5) days before the date noticed for your deposition, or, if an alternate date is agreed upon, no later than five (5) days before the agreed-upon date.

2. Unless indicated otherwise, the Relevant Period for this Request is from 1996 to the present. A Document should be considered to be within the relevant time frame if it refers or relates to communications, meetings or other events or documents that occurred or were created within that time frame, regardless of the date of creation of the responsive Document.

3. This Request calls for the production of all responsive Documents in your possession, custody or control without regard to the physical location of such documents.

4. If any Document requested was in your possession or control, but is no longer in its possession or control, state what disposition was made of said Document, the reason for such disposition, and the date of such disposition.

5. For the purposes of reading, interpreting, or construing the scope of these requests, the terms used shall be given their most expansive and inclusive interpretation. This includes, without limitation the following:

- a) Wherever appropriate herein, the singular form of a word shall be interpreted as plural and vice versa.
- b) “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope hereof any information (as defined herein) which might otherwise be construed to be outside the scope of this discovery request.
- c) “Any” shall be understood to include and encompass “all” and vice versa.
- d) Wherever appropriate herein, the masculine form of a word shall be interpreted as feminine and vice versa.
- e) “Including” shall mean “including without limitation.”

6. If you are unable to answer or respond fully to any document request, answer or respond to the extent possible and specify the reasons for your inability to answer or respond in full. If the recipient has no documents responsive to a particular Request, the recipient shall so state.

7. Unless instructed otherwise, each Request shall be construed independently and not by reference to any other Request for the purpose of limitation.

8. The words “relate,” “relating,” “relates,” or any other derivative thereof, as used herein includes concerning, referring to, responding to, relating to, pertaining to, connected with, comprising, memorializing, evidencing, commenting on, regarding, discussing, showing, describing, reflecting, analyzing or constituting.

9. “Identify” means, with respect to any “person,” or any reference to the “identity” of any “person,” to provide the name, home address, telephone number, business name, business address, business telephone number and a description of each such person’s connection with the events in question.

10. “Identify” means, with respect to any “document,” or any reference to stating the “identification” of any “document,” provide the title and date of each such document, the name and address of the party or parties responsible for the preparation of each such document, the name and address of the party who requested or required the preparation and on whose behalf it was prepared, the name and address of the recipient or recipients to each such document and the present location of any and all copies of each such document, and the names and addresses of all persons who have custody or control of each such document or copies thereof.

11. In producing Documents, if the original of any Document cannot be located, a copy shall be produced in lieu thereof, and shall be legible and bound or stapled in the same manner as the original.

12. Any copy of a Document that is not identical shall be considered a separate document.

13. If any requested Document cannot be produced in full, produce the Document to the extent possible, specifying each reason for your inability to produce the remainder of the Document stating whatever information, knowledge or belief which you have concerning the portion not produced.

14. If any Document requested was at any one time in existence but are no longer in existence, then so state, specifying for each Document (a) the type of document; (b) the types of information contained thereon; (c) the date upon which it ceased to exist; (d) the circumstances under which it ceased to exist; (e) the identity of all person having knowledge of the circumstances under which it ceased to exist; and (f) the identity of all persons having knowledge or who had knowledge of the contents thereof and each individual's address.

15. All Documents shall be produced in the same order as they are kept or maintained by you in the ordinary course of business.

16. You are requested to produce all drafts and notes, whether typed, handwritten or otherwise, made or prepared in connection with the requested Documents, whether or not used.

17. Documents attached to each other shall not be separated.

18. Documents shall be produced in such fashion as to identify the department, branch or office in whose possession they were located and, where applicable, the natural person in whose possession they were found, and business address of each Document's custodian(s).

19. If any Document responsive to the request is withheld, in all or part, based upon any claim of privilege or protection, whether based on statute or otherwise, state separately for each Document, in addition to any other information requested: (a) the specific request which calls for the production; (b) the nature of the privilege claimed; (c) its date; (d) the name and

address of each author; (e) the name and address of each of the addresses and/or individual to whom the Document was distributed, if any; (f) the title (or position) of its author; (g) type of tangible object, *e.g.*, letter, memorandum, telegram, chart, report, recording, disk, etc.; (h) its title and subject matter (without revealing the information as to which the privilege is claimed); (i) with sufficient specificity to permit the Court to make full determination as to whether the claim of privilege is valid, each and every fact or basis on which you claim such privilege; and (j) whether the document contained an attachment and to the extent you are claiming a privilege as to the attachment, a separate log entry addressing that privilege claim.

20. If any Document requested herein is withheld, in all or part, based on a claim that such Document constitutes attorney work product, provide all of the information described in Instruction No. 19 and also identify the litigation in connection with which the Document and the information it contains was obtained and/or prepared.

21. Plaintiff does not seek and does not require the production of multiple copies of identical Documents.

22. This Request is deemed to be continuing. If, after producing these Documents, you obtain or become aware of any further information, Documents, things, or information responsive to this Request, you are required to so state by supplementing your responses and producing such additional Documents to Plaintiff.



**DOCUMENTS TO BE PRODUCED PURSUANT TO THIS SUBPOENA**

1. All email from your server containing the term “Epstein.”
2. All documents containing the term “Epstein.”
3. All records of donations made by Jeffrey Epstein or related entities.
4. All email from your server containing the term “Giuffre.”
5. All documents containing the term “Giuffre.”
6. All email from your server containing the term “Virginia.”
7. All documents containing the term “Virginia.”
8. All email from your server containing the term “vr” or “VR.”
9. All documents containing the term “vr” or “VR.”
10. All email from your server containing the term “Dershowitz” or “dershowitz.”
11. All documents containing the term “Dershowitz” or “dershowitz.”
12. All email from your server containing the term “jeevacation.”
13. All documents containing the term “jeevacation.”
14. All email from your server, and all other documents, relating to sex abuse.
15. All email from your server, and all other documents, relating to trafficking of any females.
16. All emails and all documents reflecting any placements of employees You have made with Jeffrey Epstein or related entities.
17. All emails and all documents reflecting any contracts You have concerning Jeffrey Epstein or related entities.

## UNITED STATES DISTRICT COURT

for the  
Southern District of New York

Virginia L. Giuffre

Plaintiff

v.

Ghislaine Maxwell

Defendant

Civil Action No. 15-cv-07433-RWS

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: TerraMar Project, Inc. c/o Registered Agent  
National Corporate Research, Ltd.; 1025 Vermont Avenue, NW, Suite 1130, Washington, DC 20005-3516

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Schedule A (attached).

|                                                                                                         |                                          |
|---------------------------------------------------------------------------------------------------------|------------------------------------------|
| Place: Boies, Schiller & Flexner LLP<br>5301 Wisconsin Avenue NW<br>Washington, DC 20015 (954) 356-0011 | Date and Time:<br><br>06/27/2016 5:00 pm |
|---------------------------------------------------------------------------------------------------------|------------------------------------------|

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

|        |                |
|--------|----------------|
| Place: | Date and Time: |
|--------|----------------|

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/16/2016

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Virginia Giuffre, who issues or requests this subpoena, are:

Sigrid McCawley Boies, Schiller &amp; Flexner LLP 401 E. Las Olas Blvd. #1200, Ft. Lauderdale, FL 33301; 954-356-0011

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 15-cv-07433-RWS

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
 \_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:



**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## UNITED STATES DISTRICT COURT

for the  
Southern District of New York

Virginia L. Giuffre

Plaintiff

v.

Ghislaine Maxwell

Defendant

Civil Action No. 15-cv-07433-RWS

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: TerraMar Project, Inc. c/o Registered Agent  
National Corporate Research, Ltd.; 1025 Vermont Avenue, NW, Suite 1130, Washington, DC 20005-3516

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Schedule A (attached).

|                                                                                                         |                                          |
|---------------------------------------------------------------------------------------------------------|------------------------------------------|
| Place: Boies, Schiller & Flexner LLP<br>5301 Wisconsin Avenue NW<br>Washington, DC 20015 (954) 356-0011 | Date and Time:<br><br>06/27/2016 5:00 pm |
|---------------------------------------------------------------------------------------------------------|------------------------------------------|

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

|        |                |
|--------|----------------|
| Place: | Date and Time: |
|--------|----------------|

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/16/2016

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Virginia Giuffre, who issues or requests this subpoena, are:

Sigrid McCawley Boies, Schiller &amp; Flexner LLP 401 E. Las Olas Blvd. #1200, Ft. Lauderdale, FL 33301; 954-356-0011

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



Civil Action No. 15-cv-07433-RWS

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:



**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

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(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

To: TerraMar Project, Inc.

## **EXHIBIT A**

### **DEFINITIONS**

Wherever they hereafter appear the following words and phrases have the following meanings:

1. “Plaintiff” in the above captioned action shall mean the plaintiff Virginia Giuffre formerly known as Virginia Roberts.
2. “Defendant” in the above captioned action shall mean the defendant Ghislaine Maxwell and her employees, representatives or agents.
3. “Agent” shall mean any agent, employee, officer, director, attorney, independent contractor or any other person acting, or purporting to act, at the discretion of or on behalf of another.
4. “Correspondence” or “communication” shall mean all written or verbal communications, by any and all methods, including without limitation, letters, memoranda, and/or electronic mail, by which information, in whatever form, is stored, transmitted or received; and, includes every manner or means of disclosure, transfer or exchange, and every disclosure, transfer or exchange of information whether orally or by document or otherwise, face-to-face, by telephone, telecopies, e-mail, text, modem transmission, computer generated message, mail, personal delivery or otherwise.
5. “Document” shall mean all written and graphic matter, however produced or reproduced, and each and every thing from which information can be processed, transcribed, transmitted, restored, recorded, or memorialized in any way, by any means, regardless of technology or form. It includes, without limitation, correspondence, memoranda, notes, notations, diaries, papers, books, accounts, newspaper and magazine articles, advertisements, photographs, videos, notebooks, ledgers, letters, telegrams, cables, telex messages, facsimiles,



TerraMar Project, Inc.  
Schedule A

contracts, offers, agreements, reports, objects, tangible things, work papers, transcripts, minutes, reports and recordings of telephone or other conversations or communications, or of interviews or conferences, or of other meetings, occurrences or transactions, affidavits, statements, summaries, opinions, tests, experiments, analysis, evaluations, journals, balance sheets, income statements, statistical records, desk calendars, appointment books, lists, tabulations, sound recordings, data processing input or output, microfilms, checks, statements, receipts, summaries, computer printouts, computer programs, text messages, e-mails, information kept in computer hard drives, other computer drives of any kind, computer tape back-up, CD-ROM, other computer disks of any kind, teletypes, telecopies, invoices, worksheets, printed matter of every kind and description, graphic and oral records and representations of any kind, and electronic “writings” and “recordings” as set forth in the Federal Rules of Evidence, including but not limited to, originals or copies where originals are not available. Any document with any marks such as initials, comments or notations of any kind of not deemed to be identical with one without such marks and is produced as a separate document. Where there is any question about whether a tangible item otherwise described in these requests falls within the definition of “document” such tangible item shall be produced.

6. “Employee” includes a past or present officer, director, agent or servant, including any attorney (associate or partner) or paralegal.

7. “Including” means including without limitations.

8. “Jeffrey Epstein” includes Jeffrey Epstein and any entities owned or controlled by Jeffrey Epstein, any employee, agent, attorney, consultant, or representative of Jeffrey Epstein.

9. “You” or “Your” hereinafter means TerraMar Project, Inc. and any employee, agent, attorney, consultant, related entities or other representative of TerraMar Project, Inc.

TerraMar Project, Inc.  
Schedule A

### INSTRUCTIONS

1. Production of documents and items requested herein shall be made at the offices of **Boies Schiller & Flexner, LLP, 5301 Wisconsin Avenue NW Washington, DC 20015**, no later than five (5) days before the date noticed for your deposition, or, if an alternate date is agreed upon, no later than five (5) days before the agreed-upon date.

2. Unless indicated otherwise, the Relevant Period for this Request is from 1996 to the present. A Document should be considered to be within the relevant time frame if it refers or relates to communications, meetings or other events or documents that occurred or were created within that time frame, regardless of the date of creation of the responsive Document.

3. This Request calls for the production of all responsive Documents in your possession, custody or control without regard to the physical location of such documents.

4. If any Document requested was in your possession or control, but is no longer in its possession or control, state what disposition was made of said Document, the reason for such disposition, and the date of such disposition.

5. For the purposes of reading, interpreting, or construing the scope of these requests, the terms used shall be given their most expansive and inclusive interpretation. This includes, without limitation the following:

- a) Wherever appropriate herein, the singular form of a word shall be interpreted as plural and vice versa.
- b) “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope hereof any information (as defined herein) which might otherwise be construed to be outside the scope of this discovery request.
- c) “Any” shall be understood to include and encompass “all” and vice versa.
- d) Wherever appropriate herein, the masculine form of a word shall be interpreted as feminine and vice versa.
- e) “Including” shall mean “including without limitation.”

TerraMar Project, Inc.  
Schedule A

6. If you are unable to answer or respond fully to any document request, answer or respond to the extent possible and specify the reasons for your inability to answer or respond in full. If the recipient has no documents responsive to a particular Request, the recipient shall so state.

7. Unless instructed otherwise, each Request shall be construed independently and not by reference to any other Request for the purpose of limitation.

8. The words “relate,” “relating,” “relates,” or any other derivative thereof, as used herein includes concerning, referring to, responding to, relating to, pertaining to, connected with, comprising, memorializing, evidencing, commenting on, regarding, discussing, showing, describing, reflecting, analyzing or constituting.

9. “Identify” means, with respect to any “person,” or any reference to the “identity” of any “person,” to provide the name, home address, telephone number, business name, business address, business telephone number and a description of each such person’s connection with the events in question.

10. “Identify” means, with respect to any “document,” or any reference to stating the “identification” of any “document,” provide the title and date of each such document, the name and address of the party or parties responsible for the preparation of each such document, the name and address of the party who requested or required the preparation and on whose behalf it was prepared, the name and address of the recipient or recipients to each such document and the present location of any and all copies of each such document, and the names and addresses of all persons who have custody or control of each such document or copies thereof.

11. In producing Documents, if the original of any Document cannot be located, a copy shall be produced in lieu thereof, and shall be legible and bound or stapled in the same manner as the original.



TerraMar Project, Inc.  
Schedule A

12. Any copy of a Document that is not identical shall be considered a separate document.

13. If any requested Document cannot be produced in full, produce the Document to the extent possible, specifying each reason for your inability to produce the remainder of the Document stating whatever information, knowledge or belief which you have concerning the portion not produced.

14. If any Document requested was at any one time in existence but are no longer in existence, then so state, specifying for each Document (a) the type of document; (b) the types of information contained thereon; (c) the date upon which it ceased to exist; (d) the circumstances under which it ceased to exist; (e) the identity of all person having knowledge of the circumstances under which it ceased to exist; and (f) the identity of all persons having knowledge or who had knowledge of the contents thereof and each individual's address.

15. All Documents shall be produced in the same order as they are kept or maintained by you in the ordinary course of business.

16. You are requested to produce all drafts and notes, whether typed, handwritten or otherwise, made or prepared in connection with the requested Documents, whether or not used.

17. Documents attached to each other shall not be separated.

18. Documents shall be produced in such fashion as to identify the department, branch or office in whose possession they were located and, where applicable, the natural person in whose possession they were found, and business address of each Document's custodian(s).

19. If any Document responsive to the request is withheld, in all or part, based upon any claim of privilege or protection, whether based on statute or otherwise, state separately for each Document, in addition to any other information requested: (a) the specific request which calls for the production; (b) the nature of the privilege claimed; (c) its date; (d) the name and



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Schedule A

address of each author; (e) the name and address of each of the addresses and/or individual to whom the Document was distributed, if any; (f) the title (or position) of its author; (g) type of tangible object, e.g., letter, memorandum, telegram, chart, report, recording, disk, etc.; (h) its title and subject matter (without revealing the information as to which the privilege is claimed); (i) with sufficient specificity to permit the Court to make full determination as to whether the claim of privilege is valid, each and every fact or basis on which you claim such privilege; and (j) whether the document contained an attachment and to the extent you are claiming a privilege as to the attachment, a separate log entry addressing that privilege claim.

20. If any Document requested herein is withheld, in all or part, based on a claim that such Document constitutes attorney work product, provide all of the information described in Instruction No. 19 and also identify the litigation in connection with which the Document and the information it contains was obtained and/or prepared.

21. Plaintiff does not seek and does not require the production of multiple copies of identical Documents.

22. This Request is deemed to be continuing. If, after producing these Documents, you obtain or become aware of any further information, Documents, things, or information responsive to this Request, you are required to so state by supplementing your responses and producing such additional Documents to Plaintiff.

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Schedule A

**DOCUMENTS TO BE PRODUCED PURSUANT TO THIS SUBPOENA**

1. All email from your server containing the term “Epstein.”
2. All documents containing the term “Epstein.”
3. All records of donations made by Jeffrey Epstein or related entities.
4. All records of donations made by William Jefferson Clinton, the Clinton Global Initiative, the Clinton Foundation (a/k/a William J. Clinton Foundation, a/k/a the Bill, Hilary & Chelsea Clinton Foundation), or the Clinton Foundation Climate Change Initiative.
5. All email from your server containing the term “Giuffre.”
6. All documents containing the term “Giuffre.”
7. All email from your server containing the term “Virginia.”
8. All documents containing the term “Virginia.”
9. All email from your server containing the term “vr” or “VR.”
10. All documents containing the term “vr” or “VR.”
11. All email from your server containing the term “Dershowitz” or “dershowitz.”
12. All documents containing the term “Dershowitz” or “dershowitz.”
13. All email from your server containing the term “jeevacation.”
14. All documents containing the term “jeevacation.”
15. All email from your server, and all other documents, relating to sex abuse.
16. All email from your server, and all other documents, relating to trafficking of any females.

United States District Court  
Southern District of New York

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_ /

**DECLARATION OF SIGRID MCCAWLEY IN SUPPORT OF PLAINTIFF’S REPLY IN  
SUPPORT OF PLAINTIFF’S MOTION FOR PROTECTIVE ORDER AND TO DIRECT  
THE DEFENDANT TO DISCLOSE ALL INDIVIDUALS TO WHOM DEFENDANT  
HAS DISSIMINATED CONFIDENTIAL INFORMATION (DE 335)**

I, Sigrid McCawley, declare that the below is true and correct to the best of my knowledge as follows:

1. I am a Partner with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court’s Order granting my Application to Appear Pro Hac Vice.
2. I respectfully submit this Declaration in Support of Plaintiff’s Reply in Support of Motion for Protective Order and to Direct The Defendant To Disclose All Individuals to Whom Defendant has Dissiminated Confidential Information (DE 335).
3. Attached hereto as Sealed Composite Exhibit 1 are true and correct copies of Excerpts from June 24, 2016, Deposition of Tony Figueroa; May 18, 2016, Deposition of Johanna Sjoberg; June 10, 2016, Deposition of Rinaldo Rizzo; June 1, 2016, Deposition of John Alessi; May 24, 2016, Deposition of Lynn Miller; June 21, 2016, Deposition of Detective Joseph Recarey; and June 3, 2016, Deposition of David Rodgers. .
4. Attached hereto as Sealed Exhibit 2 is a true and correct copy of Flight Logs

from Exhibit 1 of June 3, 2016, Deposition of David Rodgers.

5. Attached hereto as Sealed Exhibit 3 is a true and correct copy of Excerpts from July 22, 2016, Deposition of Ghislaine Maxwell.

6. Attached hereto as Sealed Exhibit 4 is a true and correct copy of Excerpts from April 22, 2016, Deposition of Ghislaine Maxwell.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Sigrid McCawley  
Sigrid McCawley, Esq.

Dated: August 23, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid S. McCawley  
Sigrid S. McCawley(Pro Hac Vice)  
Meredith Schultz (Pro Hac Vice)  
Boies Schiller & Flexner LLP  
401 E. Las Olas Blvd., Suite 1200  
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David Boies  
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Armonk, NY 10504

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Salt Lake City, UT 84112  
(801) 585-5202<sup>1</sup>

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<sup>1</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 23rd day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

Laura A. Menninger, Esq.  
Jeffrey Pagliuca, Esq.  
HADDON, MORGAN & FOREMAN, P.C.  
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/s/ Sigrid S. McCawley  
Sigrid S. McCawley



# **EXHIBIT F**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 21, 2016  
9:17 a.m.

C O N F I D E N T I A L

Deposition of JOSEPH RECAREY, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

1 JOSEPH RECAREY - CONFIDENTIAL

2 BY MR. PAGLIUCA:

3 Q. Then there's a category, victim  
4 information, and then we have listed, I believe, a  
5 total of 17 individuals that the Palm Beach Police  
6 Department incident report lists as alleged victims  
7 in this case, correct?

8 A. Correct.

9 Q. And are you aware as to whether or not  
10 that list was supplemented after July 25th, 2006, in  
11 the investigative incident report?

12 A. I'm not sure if it was updated or not.

13 MR. PAGLIUCA: I don't know if we want to  
14 mark this or not. I can hand you what I  
15 believe to be a more recent, or I think you  
16 actually brought one with you --

17 THE WITNESS: I did.

18 MS. SCHULTZ: If you're talking about the  
19 document that he brought with him, I had it  
20 Bates labeled.

21 MR. PAGLIUCA: We can show him that. I  
22 think I have the same document here. And we  
23 can -- I guess we'll mark that as 11.

24

25

1 JOSEPH RECAREY - CONFIDENTIAL

2 (The referred-to document was marked by  
3 the court reporter for Identification as  
4 Deposition Exhibit 11.)

5 BY MR. PAGLIUCA:

6 Q. If you look at the -- is that what you're  
7 looking at?

8 MS. SCHULTZ: That's mine. I just wanted  
9 to make sure it's the same.

10 BY MR. PAGLIUCA:

11 Q. If you go into the third -- I think it's  
12 the third page of that document, we then end with VI  
13 17 Juno.

14 Do you see that?

15 A. Yes.

16 Q. So that would tell me that there were no  
17 individuals listed as additional victims as of the  
18 conclusion of your investigation in this case; is  
19 that correct?

20 MS. SCHULTZ: Object to form and  
21 foundation.

22 THE WITNESS: That's correct.

23 BY MR. PAGLIUCA:

24 Q. Okay. So let's stick with Exhibit 1, and  
25 let's go to Narrative No. 1, which is on page 11 of

1 JOSEPH RE CAREY - CONFIDENTIAL

2 Exhibit 1. Are you with me?

3 A. Uh-huh.

4 Q. Okay. Again, this was information that  
5 was obtained by Detective Pagan, correct?

6 A. Correct.

7 Q. And it's true, is it not, that this  
8 alleged victim never claimed to have been recruited  
9 by Ghislaine Maxwell; true?

10 MS. SCHULTZ: Object to form and  
11 foundation.

12 THE WITNESS: Correct.

13 BY MR. PAGLIUCA:

14 Q. And this individual, alleged victim No. 1,  
15 never identified Ghislaine Maxwell as being at  
16 Mr. Epstein's house when she was there, correct?

17 MS. SCHULTZ: Object to form and  
18 foundation.

19 THE WITNESS: I don't believe so.

20 BY MR. PAGLIUCA:

21 Q. You don't believe so --

22 A. I don't believe so.

23 Q. That she ever identified Ghislaine Maxwell  
24 as being in the house?

25 A. Right.

1 JOSEPH RE CAREY - CONFIDENTIAL

2 Q. Okay. She never -- this individual,  
3 victim No. 1, never claimed that Ghislaine Maxwell  
4 paid her any money, correct?

5 A. Correct.

6 Q. And this individual No. 1 never claimed  
7 that Ms. Maxwell instructed her what to wear,  
8 correct?

9 A. Right.

10 Q. This individual never claimed that  
11 Ghislaine Maxwell told her how to act, correct?

12 A. Correct.

13 Q. This individual never claimed to have met  
14 Ghislaine Maxwell ever, correct?

15 A. I don't believe so, no.

16 Q. This individual never claimed to even have  
17 spoken to Ghislaine Maxwell ever, correct?

18 A. I don't believe so, no.

19 Q. And when you say "I don't believe so, no,"  
20 that means my statement to you is correct; is that  
21 right?

22 MS. SCHULTZ: Object to form, foundation.

23 THE WITNESS: Well, you're saying "ever."

24 I don't know if she's ever, ever spoken to --

25



1 JOSEPH RECAREY - CONFIDENTIAL

2 BY MR. PAGLIUCA:

3 Q. To Detective Pagan.

4 A. Right. To my knowledge, I don't know,  
5 because Detective Pagan is the one who actually  
6 interviewed her. So I don't know to the answer of  
7 "ever." So not to my knowledge.

8 Q. Certainly, nothing in Exhibit 1, Narrative  
9 1 reflects that this individual ever met or talked  
10 to or spoke to Ghislaine Maxwell, right?

11 A. Right. Not to my knowledge.

12 Q. And, indeed, you would agree with me that  
13 if this individual claimed that Ms. Maxwell had  
14 something to do with the events listed in Narrative  
15 1, you would have folded up on it, as the  
16 investigating detective, right?

17 MS. SCHULTZ: Object to the form.

18 THE WITNESS: Either myself or Detective  
19 Pagan would have.

20 BY MR. PAGLIUCA:

21 Q. Sure. And when you got the case six  
22 months later, if there hadn't been follow-up, you  
23 would have followed up on it, right?

24 MS. SCHULTZ: Object to form.

25 THE WITNESS: Correct.

1 JOSEPH RECAREY - CONFIDENTIAL

2 A. Yes.

3 Q. And then you asked various individuals who  
4 was there when you went to Mr. Epstein's house,  
5 right?

6 A. Correct.

7 Q. And you then, to the best of your ability,  
8 recorded those answers, I take it, as to who was  
9 there, right?

10 A. Yes.

11 Q. And with regard to AH, she never said  
12 anything about Ghislaine Maxwell being at  
13 Mr. Epstein's house, did she?

14 MS. SCHULTZ: Object to form and  
15 foundation.

16 BY MR. PAGLIUCA:

17 Q. To you?

18 A. I don't believe she did.

19 Q. Okay. And if she did, it's likely that  
20 you would have recorded it, correct?

21 A. Correct, and it would be on the -- it  
22 would be on the tape.

23 Q. Right.

24 She never claimed, ■■■, that Ms. Maxwell  
25 paid her, right?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form and  
3 foundation.

4 THE WITNESS: Correct.

5 BY MR. PAGLIUCA:

6 Q. She never claimed that -- ■ never claimed  
7 that Ms. Maxwell instructed her about what to wear,  
8 correct?

9 MS. SCHULTZ: Object to the form.

10 THE WITNESS: Correct.

11 BY MR. PAGLIUCA:

12 Q. ■ never claimed that Ms. Maxwell told her  
13 how to act at Mr. Epstein's house, correct?

14 MS. SCHULTZ: Object to form.

15 THE WITNESS: Correct.

16 BY MR. PAGLIUCA:

17 Q. ■ never claimed to have met Ghislaine  
18 Maxwell anywhere, correct?

19 MS. SCHULTZ: Object to form.

20 THE WITNESS: I don't believe so, no.

21 BY MR. PAGLIUCA:

22 Q. Okay. If we go on to individual alleged  
23 victim No. 3, AY, the same question: AY never  
24 identified Ms. Maxwell as someone she knew or  
25 interacted with in any fashion, correct?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form.

3 THE WITNESS: No.

4 BY MR. PAGLIUCA:

5 Q. No, she did not?

6 A. No, she did not.

7 Q. Okay. The same with individual No. 4,  
8 alleged victim FP: Again, FP never claimed to have  
9 met with Ms. Maxwell, correct?

10 MS. SCHULTZ: Object to form and  
11 foundation.

12 THE WITNESS: I don't believe so, no.

13 BY MR. PAGLIUCA:

14 Q. Okay. And FP never identified Ms. Maxwell  
15 as someone being at Mr. Epstein's house, correct?

16 MS. SCHULTZ: Object to form and  
17 foundation.

18 BY MR. PAGLIUCA:

19 Q. And if you need to look at your report --

20 A. No, I don't -- I don't believe so. The  
21 only people that recalled Ghislaine at the house  
22 was --

23 Q. Sjoberg?

24 A. Johanna Sjoberg.

25 Q. Who was over the age of 18, correct?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form and  
3 foundation.

4 THE WITNESS: And Venero, Christina  
5 Venero.

6 BY MR. PAGLIUCA:

7 Q. Who is an adult as well?

8 MS. O'CONNOR: Object to form.

9 THE WITNESS: Yes.

10 BY MR. PAGLIUCA:

11 Q. So out of your entire report, the only two  
12 people who ever said anything about Ms. Maxwell were  
13 Ms. Sjoberg, who I believe was 23 when you  
14 interviewed her?

15 A. Right, but she was --

16 MS. SCHULTZ: Object to form and  
17 foundation.

18 THE WITNESS: She was -- she had worked  
19 there for quite some time, so you would have to  
20 back up, I think, a year or two.

21 BY MR. PAGLIUCA:

22 Q. She was an adult when she worked there?

23 A. Right. She was over the age of 18, right,  
24 let's put it that way.

25 Q. And she was not listed by you as a victim

1 JOSEPH RECAREY - CONFIDENTIAL

2 as part of this case, right?

3 A. Correct, because it was between two  
4 consenting adults.

5 Q. Exactly.

6 And so that's Ms. Sjoberg, and then the  
7 other individual, I think you said Bolero; is that  
8 right?

9 A. Venero, Christina Venero. She's a --

10 Q. Adult masseuse, correct?

11 A. Yes. I remember she had lots of tattoos.

12 Q. Tatts, right.

13 But the 17 individuals that you listed in  
14 Exhibit 1, none of those individuals ever said the  
15 word -- the words "Ghislaine Maxwell" during the  
16 course of this investigation to you, correct?

17 MS. SCHULTZ: Object to form and  
18 foundation.

19 THE WITNESS: I don't believe so. It  
20 would be on the tapes if they did.

21 BY MR. PAGLIUCA:

22 Q. Well, or it would be in your report,  
23 right?

24 MS. SCHULTZ: Object to form and  
25 foundation.



1 JOSEPH RECAREY - CONFIDENTIAL

2 A. Correct.

3 Q. And then Mr. Epstein is arrested and ends  
4 up pleading guilty and all of that, right?

5 MS. SCHULTZ: Object to form.

6 THE WITNESS: I think there was a  
7 non-prosecution agreement prepared between the  
8 Feds and some kind of agreement was made. But,  
9 yes, he did end up pleading guilty.

10 BY MR. PAGLIUCA:

11 Q. All right.

12 Now, based on the questions that were  
13 asked of you in the grand jury, it's fair to say  
14 that Ms. Maxwell was not a target of the grand  
15 jury's investigation, correct?

16 MS. SCHULTZ: Object to form and  
17 foundation.

18 THE WITNESS: Not based on the questions  
19 that the state was asking me, no, the state  
20 wasn't...

21 BY MR. PAGLIUCA:

22 Q. In fact, it's fair to say that you never  
23 said Ms. Maxwell's name in the grand jury, right?

24 MS. SCHULTZ: Object to form and  
25 foundation.

1 JOSEPH RECAREY - CONFIDENTIAL

2 THE WITNESS: No. Based on the questions  
3 that the state was asking, no.

4 BY MR. PAGLIUCA:

5 Q. Were you aware of who was being issued  
6 subpoenas by the grand jury?

7 A. No. But it wasn't the actual subpoena  
8 from the grand jury; it came from the State  
9 Attorney's Office.

10 Q. At the direction of the grand jury,  
11 though, right?

12 MS. SCHULTZ: Object to form and  
13 foundation.

14 THE WITNESS: I don't know. Again, I  
15 don't know.

16 BY MR. PAGLIUCA:

17 Q. I would like to talk a little bit about  
18 the surveillance that you initiated at Mr. Epstein's  
19 house, okay?

20 Can you tell me when the surveillance  
21 began?

22 A. It would have started under Detective  
23 Pagan and gone through --

24 Q. The entire investigation?

25 A. Pretty much trash pulls. We stopped the

1 JOSEPH RE CAREY - CONFIDENTIAL

2 Q. And so these were video cameras?

3 A. Correct.

4 Q. And so whoever was coming and going,  
5 whenever -- an officer saw somebody coming or going,  
6 they would videotape that person; is that correct?

7 A. Or they would just leave the video  
8 rolling, time lapse.

9 Q. And did you have the opportunity to  
10 observe any of that video?

11 A. I did observe a couple, but the person who  
12 actually set it up would review it and then submit a  
13 supplement to the report.

14 Q. Okay. It's true that none of the video of  
15 the surveillance led to the identification of  
16 Ghislaine Maxwell as coming or leaving the house  
17 during the time of surveillance, correct?

18 MS. SCHULTZ: Object to form and  
19 foundation.

20 THE WITNESS: I don't know. I didn't see  
21 all of the video, so I can't -- I can't attest  
22 to that.

23 BY MR. PAGLIUCA:

24 Q. Okay. Did anybody report to you that  
25 Ms. Maxwell was seen coming or going?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form, foundation.

3 THE WITNESS: I don't recall.

4 BY MR. PAGLIUCA:

5 Q. If someone had reported to you that  
6 Ms. Maxwell was seen coming or going, you would have  
7 recorded it in your Palm Beach Police Department  
8 incident report, Exhibit No. 1, correct?

9 MS. SCHULTZ: Object to form and  
10 foundation.

11 THE WITNESS: I would have told the  
12 officer who was conducting the surveillance or  
13 reviewing the video to document it in the  
14 supplements.

15 BY MR. PAGLIUCA:

16 Q. And there is no documentation in the  
17 supplement of Ms. Maxwell either coming or going  
18 from Mr. Epstein's house during this time frame,  
19 correct?

20 MS. SCHULTZ: Object to the form.

21 THE WITNESS: I don't believe so. I  
22 don't -- I don't -- I don't believe so.

23 BY MR. PAGLIUCA:

24 Q. And, again, so we're on the same page,  
25 when you say "I don't believe so," I interpret that

1 JOSEPH RECAREY - CONFIDENTIAL

2 as her name is not in here as someone who was  
3 incoming or going; am I correct in my  
4 interpretation?

5 MS. SCHULTZ: Object to form and  
6 foundation.

7 THE WITNESS: Again, I don't know. I  
8 don't believe so.

9 BY MR. PAGLIUCA:

10 Q. I'm just trying to understand what "I  
11 don't believe so" means, okay?

12 A. I don't -- I don't believe it's in the  
13 report, no.

14 Q. Okay. "I don't believe it's in the  
15 report" that she was ever seen coming or going,  
16 right?

17 A. Right, that's what I'm saying.

18 Q. All right. We're on the same page.

19 The trash pulls, do you recall how many  
20 trash pulls were done?

21 A. There were numerous trash pulls done.  
22 There was trash pulls down under Detective Pagan and  
23 under my request.

24 Q. As I understand the trash pull protocol,  
25 you or someone at your direction or Detective

1 JOSEPH RECAREY - CONFIDENTIAL

2 A. I don't believe clothing was seized.

3 Q. To your knowledge, did you seize any  
4 property belonging to Ghislaine Maxwell from the  
5 home?

6 MS. SCHULTZ: Object to form and  
7 foundation.

8 THE WITNESS: I'm not sure. Not to my  
9 knowledge.

10 BY MS. SCHULTZ:

11 Q. Okay. No one ever came to you and said,  
12 Could you please return these items to Ms. Maxwell,  
13 correct?

14 MS. SCHULTZ: Object to form.

15 THE WITNESS: No.

16 BY MS. SCHULTZ:

17 Q. All right.

18 You did that with Janush?

19 A. Yes, he had photos and --

20 Q. But nothing like that ever happened with  
21 Ms. Maxwell, correct?

22 MS. SCHULTZ: Object to form.

23 THE WITNESS: No.

24 BY MS. SCHULTZ:

25 Q. Ms. Maxwell was not present when you



1 JOSEPH RECAREY - CONFIDENTIAL

2 Did you observe any child pornography when  
3 you were in Mr. Epstein's home?

4 MS. SCHULTZ: Object to form.

5 THE WITNESS: Not in that area where I was  
6 at, no.

7 BY MR. PAGLIUCA:

8 Q. Well, you had to walk into the house,  
9 right? Through an entranceway?

10 A. Yes.

11 Q. You didn't observe any child pornography  
12 in the entranceway, correct?

13 A. No.

14 Q. And then you had to walk from the  
15 entranceway to where the office was, correct?

16 A. Which was straight back, it was right  
17 there.

18 Q. You are going through a hallway and a kind  
19 of an open area, correct?

20 A. Correct.

21 Q. You didn't observe any pictures of  
22 neighborhood children when you were walking through  
23 that area, did you?

24 A. I don't recall.

25 Q. That's something that would have stuck out

1 JOSEPH RECAREY - CONFIDENTIAL

2 in your mind, right? Correct?

3 MS. SCHULTZ: Object to the form.

4 THE WITNESS: Yes.

5 BY MR. PAGLIUCA:

6 Q. And you're a peace officer, obligated to  
7 arrest when a felony is committed in your presence,  
8 correct?

9 A. Correct.

10 Q. And the possession of child pornography is  
11 a felony, correct?

12 A. Correct.

13 Q. And had you seen any child pornography in  
14 Mr. Epstein's house when you were there installing  
15 these cameras, you would have done something about  
16 it, correct?

17 MS. SCHULTZ: Object for form.

18 THE WITNESS: Right.

19 BY MR. PAGLIUCA:

20 Q. You wouldn't have just walked out and  
21 said, Nice pics, have a nice day, correct?

22 A. Correct.

23 Q. So is it fair to say the entire time you  
24 were in Epstein's house, whether it's 2002, 2003,  
25 you did not observe any child pornography, right?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to the form.

3 THE WITNESS: Not in the areas I was in.

4 BY MR. PAGLIUCA:

5 Q. You don't recall seeing any pictures of  
6 naked women, do you?

7 MS. SCHULTZ: Object to form.

8 THE WITNESS: Again, I was only confined  
9 to where that desk was. That's where I set up  
10 the camera, and then after it was set up, I  
11 left.

12 BY MR. PAGLIUCA:

13 Q. Okay. But, again, all I'm asking you is  
14 wherever you were, you didn't see any pictures of  
15 naked women?

16 A. Right. No, I didn't see any.

17 Q. And at the time you recall that he had  
18 these surveillance cameras already installed; is  
19 that true? Other cameras, the clock cameras?

20 MS. SCHULTZ: Object to form.

21 THE WITNESS: I'm not sure if he had the  
22 cameras installed or not. I can't recall.

23 BY MR. PAGLIUCA:

24 Q. Why would he need your cameras if he  
25 already had cameras?

1 JOSEPH RECAREY - CONFIDENTIAL

2 None of these alleged victims claimed to  
3 have ever traveled with Mr. Epstein, correct?

4 MS. SCHULTZ: Object to form.

5 THE WITNESS: No.

6 BY MR. PAGLIUCA:

7 Q. No, they did not? They did not travel  
8 with Mr. Epstein, right?

9 MS. SCHULTZ: Object to form.

10 THE WITNESS: I don't believe so, no.

11 BY MR. PAGLIUCA:

12 Q. None of them reported that to you?

13 A. Not reported, correct.

14 Q. None of them reported to you that they  
15 ever spent the night with Mr. Epstein, did they?

16 MS. SCHULTZ: Object to form.

17 THE WITNESS: I don't believe so.

18 BY MR. PAGLIUCA:

19 Q. None of them ever reported being  
20 trafficked by Mr. Epstein to other men, correct?

21 MS. SCHULTZ: Object to form, foundation.

22 THE WITNESS: I don't believe so.

23 BY MR. PAGLIUCA:

24 Q. The only other men that any of these  
25 alleged victims -- the only man that any of these

1 JOSEPH RECAREY - CONFIDENTIAL

2 alleged victims ever claimed to have any contact  
3 with that was sexual in nature was Mr. Epstein,  
4 correct?

5 MS. SCHULTZ: Object to form and  
6 foundation.

7 THE WITNESS: Yes.

8 BY MR. PAGLIUCA:

9 Q. Okay. None of these alleged victims ever  
10 claimed to have been sent to another location to  
11 have sex with another man, correct?

12 MS. SCHULTZ: Object to form and  
13 foundation.

14 THE WITNESS: I don't believe so.

15 BY MR. PAGLIUCA:

16 Q. Meaning my statement is correct; is that  
17 right?

18 MS. SCHULTZ: Object to form.

19 BY MR. PAGLIUCA:

20 Q. I'm just trying to --

21 A. Meaning I don't believe they've ever said  
22 that. I don't recall any of them ever saying...

23 Q. Had they claimed that they were sent  
24 somewhere else to have sex with another man, you  
25 would have followed up on that, correct?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form.

3 THE WITNESS: Correct.

4 BY MR. PAGLIUCA:

5 Q. And none of them ever claimed to have been  
6 sent to another location to give another man a  
7 massage, correct?

8 MS. SCHULTZ: Object to form.

9 THE WITNESS: No, not the victims.

10 BY MR. PAGLIUCA:

11 Q. Right. That's who I'm talking about.

12 A. I believe Sjoberg did.

13 Q. Who is an adult, right?

14 MS. SCHULTZ: Object to form.

15 THE WITNESS: Right.

16 BY MR. PAGLIUCA:

17 Q. We covered this, I believe: None of them  
18 ever was on Mr. Epstein's airplane, correct?

19 MS. SCHULTZ: Object to form.

20 THE WITNESS: I believe one of the victims  
21 were, but not to a private island. I think  
22 they went -- they didn't go to a private  
23 island; they went to some other trip.

24 BY MR. PAGLIUCA:

25 Q. I think maybe you're referring to AH, who



1 JOSEPH RECAREY - CONFIDENTIAL

2 went to New York but on a commercial flight. Does  
3 that jog your memory?

4 MS. SCHULTZ: Object to form.

5 THE WITNESS: No.

6 BY MR. PAGLIUCA:

7 Q. Okay. Do you recall who it is?

8 A. It would have been FP.

9 Q. Okay. Was on Mr. Epstein's airplane?

10 MS. SCHULTZ: Object to form.

11 THE WITNESS: I believe so.

12 BY MR. PAGLIUCA:

13 Q. Would that be reflected in Exhibit 1?

14 MS. SCHULTZ: Object to form.

15 THE WITNESS: But she flew alone. It  
16 wasn't like Epstein was there. She went  
17 someplace else, not to his private island,  
18 nothing to do with Epstein. It was something  
19 she wanted to do. And I think she flew on his  
20 plane, but it was, like, her by herself.

21 BY MR. PAGLIUCA:

22 Q. Alone.

23 A. Right.

24 Q. With a pilot?

25 A. Right.

1 JOSEPH RE CAREY - CONFIDENTIAL

2 BY MS. SCHULTZ:

3 Q. Was it your impression at the time that  
4 those statements could incriminate her?

5 MR. PAGLIUCA: Object to form and  
6 foundation.

7 THE WITNESS: Yes.

8 BY MS. SCHULTZ:

9 Q. You testified earlier that you interviewed  
10 approximately 30 or 33 girls, correct?

11 THE WITNESS: Yes.

12 MR. PAGLIUCA: Object to form and  
13 foundation.

14 BY MS. SCHULTZ:

15 Q. Did the course of your investigation --  
16 through the course of your investigation, did you  
17 find that all 30 or 33 of the girls knew one  
18 another?

19 MR. PAGLIUCA: Object to form and  
20 foundation.

21 THE WITNESS: Some did, some did not.

22 BY MS. SCHULTZ:

23 Q. Okay. Among the girls who did not know  
24 one another, were their accounts of what happened at  
25 Jeffrey Epstein's house similar?

**COMPOSITE  
EXHIBIT 1  
(Filed Under Seal)**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,  
Plaintiff,

v.

GHISLAINE MAXWELL,  
Defendant.

\_\_\_\_\_/

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 1 of 2

Pages 1 - 157

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.  
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company  
B. Paul Katz Professional Center  
(SunTrust Building)  
One Florida Park Drive South  
Suite 214  
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR  
Florida Professional Reporter  
Court Reporter and Notary Public

1           Q     I guess my question is: Did she ever tell  
2     you that she had started as a regular masseuse for  
3     him and then transitioned to something other than a  
4     masseuse?

5           A     No. She never said that it transitioned.  
6     But she ended up explaining to me what had happened  
7     before, so...

8           Q     What has -- what is that?

9           A     That her and Ms. Maxwell and Jeffrey would  
10    obviously be doing stuff, all three of them  
11    together. Like I said, that they would all go out  
12    to clubs to pick up girls and try and find them to  
13    bring back for Jeffrey. And then she told me about  
14    how, like I said, her and Ms. Maxwell and Jeffrey  
15    were all intimate together on multiple occasions.

16          Q     When did she tell you this?

17          A     I'm not exactly sure on the dates.

18          Q     Was it while you were still together?

19          A     Yes.

20          Q     Did you -- had you met Ms. Maxwell?

21          A     Yeah, I had met her a couple of times.

22          Q     When did you meet Ms. Maxwell?

23          A     Dates, I'm unsure of. But it was pretty  
24    much, like I said, at Jeffrey's house in the  
25    kitchen.

1           Q     Was it earlier in the time you were with  
2     her, or...

3           A     It was about -- I'd say about six months  
4     or so. I don't know. I'm not exactly positive.

5           Q     All right. So at the time you met  
6     Ms. Maxwell, had Ms. Roberts already told you that  
7     she had been intimate?

8           A     No. She had told me about that, I  
9     believe, after I had max- -- after I had already met  
10    her.

11          Q     Okay. And tell me everything that you  
12    remember about what Ms. Roberts said about being  
13    intimate with Ms. Maxwell and Mr. Epstein at the  
14    same time.

15          A     I remember her talking about, like,  
16    strap-ons and stuff like that. But, I mean, like I  
17    said, all the details are not really that clear.  
18    But I remember her talking about, like, how they  
19    would always be using and stuff like that.

20          Q     She and Ms. Maxwell and Mr Epstein would  
21    used strap-ons?

22          A     Uh-huh (affirmative).

23          Q     How did you feel about that?

24          A     I just -- obviously not happy about it.

25          Q     What did you say?



1           A     I did not.

2           Q     When the FBI interviewed you, did you  
3 mention this to them?

4           A     I mentioned -- anything they asked me, I  
5 did not hold anything back.

6           Q     Okay. Do you recall specifically talking  
7 about sex with the Prince?

8           A     I -- I don't recall talking to them about  
9 that, but, I mean, it's -- it could be possible.

10          Q     Other than sex with the Prince, is there  
11 anyone else that Jeffrey wanted Ms. Roberts to have  
12 sex with that she relayed to you?

13          A     Mainly, like I said, just Ms. Maxwell and  
14 all the other girls.

15          Q     Ms. Maxwell wanted -- Jeffrey wanted  
16 Virginia to have sex with Ms. Maxwell?

17          A     And him, yeah.

18          Q     And did she tell you whether she had ever  
19 done that?

20          A     Yeah. She said that she did.

21          Q     And when did she tell you that?

22          A     I'm not sure on the date.

23          Q     And what did she describe having happened?

24          A     I believe I already told you that. With  
25 the strap-ons and dildos and everything.

1 MS. MENNINGER: Objection. Form.

2 Foundation.

3 A For Jeffrey.

4 BY MR. EDWARDS:

5 Q All right. Let me fix this. Ghislaine --  
6 when Ghislaine Maxwell would call you during the  
7 time that you were living with Virginia, she would  
8 ask you what, specifically?

9 MS. MENNINGER: Objection. Form.

10 Foundation.

11 A Just if I had found any other girls just  
12 to bring to Jeffrey.

13 BY MR. EDWARDS:

14 Q Okay.

15 A Pretty much every time there was a  
16 conversation with any of them, it was either asking  
17 Virginia where she was at, or asking her to get  
18 girls, or asking me to get girls.

19 Q All right. Let's go to that second  
20 category you just identified, which is asking  
21 Virginia to get girls. How many times were you in a  
22 room where specifically Ghislaine Maxwell would ask  
23 Virginia to bring girls?

24 A None that I can recall.

25 Q Okay. How many times -- when you say they

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----X

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----X

May 18, 2016

9:04 a.m.

C O N F I D E N T I A L

Deposition of JOHANNA SJOBERG, pursuant  
to notice, taken by Plaintiff, at the  
offices of Boies Schiller & Flexner, 401  
Las Olas Boulevard, Fort Lauderdale, Florida,  
before Kelli Ann Willis, a Registered  
Professional Reporter, Certified Realtime  
Reporter and Notary Public within and  
for the State of Florida.

1 Q. Okay. Great.

2 All right. Do you know a female by the  
3 name of Ghislaine Maxwell?

4 A. Yes.

5 Q. And when did you first meet Ms. Maxwell?

6 A. 2001. March probably. End of  
7 February/beginning of March.

8 Q. And how did you meet her?

9 A. She approached me while I was on campus at  
10 Palm Beach Atlantic College.

11 Q. And what happened when she approached you?

12 A. She asked me if I could tell her how to  
13 find someone that would come and work at her house.  
14 She wanted to know if there was, like, a bulletin  
15 board or something that she could post, that she was  
16 looking for someone to hire.

17 Q. And what did you discuss with her?

18 A. I told her where she could go to -- you  
19 know, to put up a listing. And then she asked me if  
20 I knew anyone that would be interested in working  
21 for her.

22 Q. Did she describe what that work was going  
23 to be?

24 A. She explained that she lived in Palm Beach  
25 and didn't want butlers because they're too stuffy.

1 And so she just liked to hire girls to work at the  
2 house, answer phones, get drinks, do the job a  
3 butler would do.

4 Q. And did she tell you what she would pay  
5 for that kind of a job?

6 A. At that moment, no, but later in the day,  
7 yes.

8 Q. And what did she say?

9 A. Twenty dollars an hour.

10 Q. Was there anybody else with Ms. Maxwell  
11 when you met her?

12 A. There was another woman with her. I don't  
13 recall her or what she looks like or how old she  
14 was.

15 Q. And what happened next?

16 A. And then she asked me if I would be  
17 interested in working for her. And she told me that  
18 she was -- I could trust her and that I could jump  
19 in her car and go check out the house at that moment  
20 if I wanted.

21 And so I said, Sure, let's do it, and went  
22 to her home with her.

23 Q. And where was that home?

24 A. In Palm Beach.

25 Q. And did she describe that home as being

1 Q. And how long did you work in that position  
2 answering phones and doing --

3 A. Just that one day.

4 Q. Just that one day.

5 And did your duties change?

6 A. Well, the next time she called me, she  
7 asked me if I wanted to come over and make \$100 an  
8 hour rubbing feet.

9 Q. And what did you think of that offer?

10 A. I thought it was fantastic.

11 Q. And did you come over to the house for  
12 that purpose?

13 A. Yes.

14 Q. And when you came over to the house, was  
15 Maxwell present?

16 A. I don't recall.

17 Q. And what happened that second time you  
18 came to the house?

19 A. At that point, I met Emmy Taylor, and she  
20 took me up to Jeffrey's bathroom and he was present.  
21 And her and I both massaged Jeffrey. She was  
22 showing me how to massage.

23 And then she -- he took -- he got off the  
24 table, she got on the table. She took off her  
25 clothes, got on the table, and then he was showing



1 MS. MENNINGER: Objection, leading.

2 BY MS. McCAWLEY:

3 Q. Do you believe that from your  
4 observations, Maxwell and Epstein were boyfriend and  
5 girlfriend?

6 A. Initially, yes.

7 Q. Did Maxwell ever share with you whether it  
8 bothered her that Jeffrey had so many girls around?

9 MS. MENNINGER: Objection, leading,  
10 hearsay.

11 THE WITNESS: No. Actually, the opposite.

12 BY MS. McCAWLEY:

13 Q. What did she say?

14 A. She let me know that she was -- she would  
15 not be able to please him as much as he needed and  
16 that is why there were other girls around.

17 Q. Did there ever come a time -- did you ever  
18 take a photography class in school?

19 A. Yes.

20 Q. And did there ever come a time when  
21 Maxwell offered to buy you a camera?

22 A. Yes.

23 MS. MENNINGER: Objection, leading.

24 BY MS. McCAWLEY:

25 Q. Did Maxwell ever offer to buy you a

1 camera?

2 MS. MENNINGER: Objection, leading.

3 THE WITNESS: Yes.

4 BY MS. McCAWLEY:

5 Q. Was there anything you were supposed to do  
6 in order to get the camera?

7 MS. MENNINGER: Objection, leading.

8 THE WITNESS: I did not know that there  
9 were expectations of me to get the camera until  
10 after. She had purchased the camera for me,  
11 and I was over there giving Jeffrey a massage.  
12 I did not know that she was in possession of  
13 the camera until later.

14 She told me -- called me after I had left  
15 and said, I have the camera for you, but you  
16 cannot receive it yet because you came here and  
17 didn't finish your job and I had to finish it  
18 for you.

19 BY MS. McCAWLEY:

20 Q. And did you -- what did you understand her  
21 to mean?

22 A. She was implying that I did not get  
23 Jeffrey off, and so she had to do it.

24 Q. And when you say "get Jeffrey off," do you  
25 mean bring him to orgasm?

1 A. Yes.

2 Q. Did Ghislaine ever describe to you what  
3 types of girls Jeffrey liked?

4 A. Model types.

5 Q. Did Ghislaine ever talk to you about how  
6 you should act around Jeffrey?

7 A. She just had a conversation with me that I  
8 should always act grateful.

9 Q. Did Jeffrey ever tell you that he took a  
10 girl's virginity?

11 A. He did not tell me. He told a friend of  
12 mine.

13 Q. And what do you recall about that?

14 MS. MENNINGER: Objection, hearsay,  
15 foundation.

16 THE WITNESS: He wanted to have a friend  
17 of mine come out who was cardio-kickboxer  
18 instructor. She was a physical trainer.

19 And so I brought her over to the house,  
20 and he told my friend Rachel that -- he said,  
21 You see that girl over there laying by the  
22 pool? She was 19. And he said, I just took  
23 her virginity. And my friend Rachel was  
24 mortified.

25

1 exposed her bra, and she grabbed it and pulled it  
2 down.

3 Q. Anything else?

4 A. That was the conversation that he had told  
5 her that he had taken this girl's virginity, the  
6 girl by the pool.

7 Q. Okay. Did Maxwell ever say to you that it  
8 takes the pressure off of her to have other girls  
9 around?

10 A. She implied that, yes.

11 Q. In what way?

12 A. Sexually.

13 Q. And earlier Laura asked you, I believe, if  
14 Maxwell ever asked you to perform any sexual acts,  
15 and I believe your testimony was no, but then you  
16 also previously stated that during the camera  
17 incident that Maxwell had talked to you about not  
18 finishing the job.

19 Did you understand "not finishing the job"  
20 meaning bringing Jeffrey to orgasm?

21 MS. MENNINGER: Objection, leading, form.

22 BY MS. McCAWLEY:

23 Q. I'm sorry, Johanna, let me correct that  
24 question.

25 What did you understand Maxwell to mean

1     when she said you hadn't finished the job, with  
2     respect to the camera?

3             MS. MENNINGER:  Objection, leading, form.

4             THE WITNESS:  She implied that I had not  
5     brought him to orgasm.

6     BY MS. McCAWLEY:

7             Q.     So is it fair to say that Maxwell expected  
8     you to perform sexual acts when you were massaging  
9     Jeffrey?

10            MS. MENNINGER:  Objection, leading, form,  
11     foundation.

12            THE WITNESS:  I can answer?

13            Yes, I took that conversation to mean that  
14     is what was expected of me.

15     BY MS. McCAWLEY:

16            Q.     And then you mentioned, I believe, when  
17     you were testifying earlier that Jeffrey told you a  
18     story about sex on the plane.  What was that about?

19            MS. MENNINGER:  Objection, hearsay.

20            THE WITNESS:  He told me one time Emmy was  
21     sleeping on the plane, and they were getting  
22     ready to land.  And he went and woke her up,  
23     and she thought that meant he wanted a blow  
24     job, so she started to unzip his pants, and he  
25     said, No, no, no, you just have to be awake for

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x  
VIRGINIA L. GIUFFRE,

Plaintiff,

-against-

Case No.:  
15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendant.

- - - - - x

\*\*CONFIDENTIAL\*\*

Videotaped deposition of RINALDO RIZZO, taken pursuant to subpoena, was held at the law offices of Boies Schiller & Flexner, 333 Main Street, Armonk, New York, commencing June 10, 2016, 10:06 a.m., on the above date, before Leslie Fagin, a Court Reporter and Notary Public in the State of New York.

- - -

MAGNA LEGAL SERVICES  
1200 Avenue of the Americas  
New York, New York 10026  
(866) 624-6221



1 R. Rizzo - Confidential

2 Q. Did you learn whether your  
3 perception was correct?

4 MR. PAGLIUCA: Same objection.

5 A. It was younger. Yes, I did.

6 Q. How old was this girl?

7 A. 15 years old.

8 Q. What happens next when Ghislaine  
9 Maxwell and Jeffrey Epstein and a 15-year-old  
10 girl walk into Eva Anderson's home?

11 MR. PAGLIUCA: Object to the form.  
12 Foundation.

13 A. They proceed into the dining room  
14 area, which is across from the living room  
15 area. I go into the kitchen and I hear a  
16 conversation start. Very muffled, I could  
17 not hear any particulars about the  
18 conversation whatsoever.

19 My wife and I are in the kitchen  
20 preparing the evening meal. Eva brings the  
21 young girl into the kitchen. In the kitchen,  
22 there is an island with three barstools. Eva  
23 instructs the young girl to sit to the  
24 furthest barstool on the right.

25 Q. Describe for me what the girl

1 R. Rizzo - Confidential

2 looked like, including her demeanor and  
3 anything else you remember about her when she  
4 walks into the kitchen.

5 A. Very attractive, beautiful young  
6 girl. Makeup, very put together, casual  
7 dress. But she seemed to be upset, maybe  
8 distraught, and she was shaking, and as she  
9 sat down, she sat down and sat in the stool  
10 exactly the way the girls that I mentioned to  
11 you sat at Jeffrey's house, with no  
12 expression and with their head down. But we  
13 could tell that she was very nervous.

14 Q. What do you mean by distraught and  
15 shaking, what do you mean by that?

16 A. Shaking, I mean literally  
17 quivering.

18 Q. What happens next?

19 A. We were, again, the absurdity,  
20 never introduced. Like you would walk into a  
21 room and say this is -- so my wife and I are  
22 in the kitchen and this young girl is sitting  
23 there. It was a very uncomfortable moment.  
24 I look at my wife. And so I want to ease the  
25 moment, and so I introduced myself and I

1 R. Rizzo - Confidential

2 introduced my wife, and she doesn't really  
3 respond.

4 And I asked her, are you okay? And  
5 she doesn't really respond. Nothing verbal,  
6 no cues, her head is still down. I ask her  
7 if she would like some water, tissue,  
8 anything, and she basically doesn't respond.

9 Q. You ask her for a tissue?

10 A. If she would like a tissue or some  
11 water at the time.

12 Q. Was she crying at the time?

13 A. My perception, she was on the verge  
14 of crying. And I'm trying to loosen the  
15 situation every way I know how, so the only  
16 way I knew how, and I thought maybe this will  
17 comfort her, I said oh, by the way, do you  
18 work for Jeffrey.

19 And she says that, I guess kind of  
20 made her feel comfortable, because maybe it  
21 was that comment or my persistence, and she  
22 said yes. So I said, what do you do? And  
23 she says I'm Jeffrey's executive assistant,  
24 personal assistant. Which, from looking at  
25 her, just didn't seem to suit.

1 R. Rizzo - Confidential

2 And I blurted out: You're his  
3 executive personal assistant? What do you  
4 do? And she says I was hired as his  
5 executive personal assistant. I schedule his  
6 appointments.

7 And I'm shocked, and I blurt out:  
8 You seem quite young, how did you get a job?  
9 How old are you? And she says to me, point  
10 blank: I'm 15 years old.

11 And I said to her: You're 15 years  
12 old and you have a position like that? At  
13 that point she just breaks down hysterically,  
14 so I feel like I just said something wrong,  
15 and she will not stop crying. My wife and I  
16 were at a loss for words, and I keep on  
17 trying to console her, and nothing I was  
18 saying, are you all right, do you need a  
19 tissue, do you need water, consoles her.

20 And then in a state of shock, she  
21 just lets it rip, and what she told me was  
22 just unbelievable.

23 Q. What did she say?

24 MR. PAGLIUCA: Object to the form  
25 and foundation.

1 R. Rizzo - Confidential

2 A. She proceeds to tell my wife and I  
3 that, and this is not -- this is blurting  
4 out, not a conversation like I'm having a  
5 casual conversation. That quickly, I was on  
6 an island, I was on the island and there was  
7 Ghislaine, there was Sarah, she said they  
8 asked me for sex, I said no.

9 And she is just rambling, and I'm  
10 like what, and she said -- I asked her, I  
11 said what? And she says yes, I was on the  
12 island, I don't know how I got from the  
13 island to here. Last afternoon or in the  
14 afternoon I was on the island and now I'm  
15 here. And I said do you have a -- this is  
16 not making any sense to me, and I said this  
17 is nuts, do you have a passport, do you have  
18 a phone?

19 And she says no, and she says  
20 Ghislaine took my passport. And I said what,  
21 and she says Sarah took her passport and her  
22 phone and gave it to Ghislaine Maxwell, and  
23 at that point she said that she was  
24 threatened. And I said threatened, she says  
25 yes, I was threatened by Ghislaine not to

1 R. Rizzo - Confidential

2 discuss this.

3 And I'm just shocked. So the  
4 conversation, and she is just rambling on and  
5 on, again, like I said, how she got here, she  
6 doesn't know how she got here. Again, I  
7 asked her, did you contact your parents and  
8 she says no.

9 At that point, she says I'm not  
10 supposed to talk about this. I said, but I  
11 said: How did you get here. I don't  
12 understand. We were totally lost for words.

13 And she said that before she got  
14 there, she was threatened again by Jeffrey  
15 and Ghislaine not to talk about what I had  
16 mentioned earlier, about -- again, the word  
17 she used was sex.

18 Q. And during this time that you're  
19 saying she is rambling, is her demeanor  
20 continues to be what you described it?

21 A. Yes.

22 Q. Was she in fear?

23 A. Yes.

24 MR. PAGLIUCA: Object to the form  
25 and foundation.



1 R. Rizzo - Confidential

2 Q. You could tell?

3 A. Yes.

4 MR. PAGLIUCA: Same objection.

5 A. She was shaking uncontrollably.

6 Q. What happens with this 15-year-old  
7 girl next?

8 MR. PAGLIUCA: Object to the form  
9 and foundation.

10 A. As she is trying to explain, and  
11 I'm asking questions because I'm as feared as  
12 she is at this point. We hear people  
13 approach and she just shuts up.

14 Q. What happens next?

15 A. Eva comes in and tells her that she  
16 will be working for Eva in the city.

17 Q. As what?

18 A. As a nanny.

19 Q. Did you see this girl again?

20 A. Yes.

21 Q. And when?

22 A. On a flight maybe a month or so to  
23 Sweden.

24 Q. What was the purpose of the flight?

25 A. We were going to Sweden for the

1 R. Rizzo - Confidential

2 summer.

3 Q. Who was on the flight?

4 A. The Dubin family.

5 Q. As well as this girl?

6 A. Yes.

7 Q. What happens?

8 A. One thing that I forgot to mention  
9 is during our initial conversation, I asked  
10 her what her name was and she said her name  
11 was Caroline.

12 Q. What happened with Caroline?

13 A. We flew to Sweden, we stopped at an  
14 airport that we didn't usually stop at and  
15 she got off the plane.

16 Q. Just so that I make sure I  
17 understand, who it was that she says asked  
18 her for sex on the island, who was that?

19 MR. PAGLIUCA: Object to the form.  
20 Foundation.

21 A. She didn't specify who asked for  
22 sex. She said that they asked for sex.  
23 Immediately after that she put Ghislaine and  
24 Sarah into the conversation.

25 Q. Taking her passport?

1 R. Rizzo - Confidential

2 A. Yes.

3 Q. From -- are there any other  
4 incidents or occurrences that you observed  
5 personally with Jeffrey Epstein and Ghislaine  
6 Maxwell?

7 MR. PAGLIUCA: Object to the form  
8 and foundation.

9 A. Not that I can recall.

10 Q. This last event that you described,  
11 what's the timeframe when that occurred?

12 A. Late 2004, 2005.

13 Q. When did you resign your employment  
14 from the Dubin family?

15 A. I think roughly October.

16 Q. Of what year?

17 A. 2005.

18 Q. Why?

19 A. My wife and I had discussed these  
20 incidents, and this last one was just, we  
21 couldn't deal with it.

22 Q. When you left your employment with  
23 the Dubin family, did you have a job?

24 A. When we finally left, I stayed on  
25 three months after my resignation, I had a

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 1, 2016

9:12 a.m.

C O N F I D E N T I A L

Deposition of JOHN ALESSI, pursuant  
to notice, taken by Plaintiff, at the  
offices of Boies Schiller & Flexner, 401  
Las Olas Boulevard, Fort Lauderdale, Florida,  
before Kelli Ann Willis, a Registered  
Professional Reporter, Certified Realtime  
Reporter and Notary Public within and  
for the State of Florida.

1 JOHN ALESSI

2 Q. And where did the massage therapists --  
3 where did they come from?

4 A. Most, they came from Palm Beach. Palm  
5 Beach County.

6 Q. And over the course of that 10-year period  
7 of time while Ms. Maxwell was at the house, do you  
8 have an approximation as to the number of different  
9 females -- females that you were told were massage  
10 therapists that came to the house?

11 MR. PAGLIUSCA: Object to form and  
12 foundation.

13 THE WITNESS: I cannot give you a number,  
14 but I would say probably over 100 in my stay  
15 there.

16 BY MR. EDWARDS:

17 Q. And many of the times would the females  
18 come only one time and not return?

19 MR. PAGLIUSCA: Object to form and  
20 foundation.

21 BY MR. EDWARDS:

22 Q. Let me ask that a different way.

23 Were there times when some of these  
24 females that would come to the house, and you were  
25 told that they were massage therapists, would come

1 JOHN ALESSI

2 MR. PAGLIUSCA: Object to form and  
3 foundation.

4 THE WITNESS: Himself. Himself.

5 BY MR. EDWARDS:

6 Q. And you do not know the ages of the  
7 various massagists, right?

8 A. No.

9 Q. Did you have occasion to clean up after  
10 the massages?

11 A. Yes.

12 Q. Okay. And that is after both a massage  
13 for Jeffrey Epstein, as well as clean up after a  
14 massage that Ghislaine Maxwell may have received?

15 A. Yes.

16 Q. And on occasion, after -- in cleaning up  
17 after a massage of Jeffrey Epstein or Ghislaine  
18 Maxwell, did you have occasion to find vibrators or  
19 sex toys that would be left out?

20 MR. PAGLIUSCA: Object to form and  
21 foundation.

22 THE WITNESS: Yes, I did.

23 BY MR. EDWARDS:

24 Q. Can you describe the types of vibrators or  
25 sex toys that you found left out after a massage



1 JOHN ALESSI

2 that Jeffrey Epstein had just received or Ghislaine  
3 Maxwell had just received?

4 MR. PAGLIUSCA: Object to form and  
5 foundation.

6 THE WITNESS: It was probably two to three  
7 times, I would say. It was not all the time.  
8 I would find things like a dildo, it's called a  
9 double. I hate to say it because these ladies.  
10 But I find these things, put my gloves on, took  
11 it out and rinse it, and put it in  
12 Ms. Maxwell's closet.

13 BY MR. EDWARDS:

14 Q. Why would you put the dildo or sex toy in  
15 Ms. Maxwell's closet?

16 A. Because I knew that's where they were  
17 kept.

18 Q. How did you know that the sex toys were  
19 kept in Ms. Maxwell's closet?

20 A. Because I know where everything was in  
21 that house. Every single room, every single thing,  
22 it was a place, it was placed by me, by the cleaning  
23 lady or my wife. Every -- everything that happened  
24 in that house, I knew it.

25 Q. Who showed you where the dildo or sex toys

1 JOHN ALESSI

2 were kept in the house the first time?

3 MR. PAGLIUSCA: Object to form and  
4 foundation.

5 THE WITNESS: Nobody. Nobody show me.

6 BY MR. EDWARDS:

7 Q. You just saw it?

8 A. I saw it.

9 Q. So you knew where to put it back?

10 A. Yeah. We had to open the closet, clean  
11 the closet, put the clothes in place, put the shoes  
12 in place, put everything in place. So it was a  
13 matter of tidying things up.

14 Q. Did you ever find any costumes?

15 A. I saw one shiny black costume, but I  
16 didn't even know --

17 Q. Where did you see it?

18 A. The same place.

19 Q. In Ms. Maxwell's closet?

20 A. Yes.

21 Q. And where was Ms. Maxwell's closet in the  
22 house?

23 A. In the house? It was in the opposite side  
24 of his bathroom. It was her bathroom in the master  
25 bedroom. It was in the middle. So it was on the

***GIUFFRE***

***VS.***

***MAXWELL***

**Deposition**

***LYNN TRUDE MILLER***

*05/24/2016*

---

***Agren Blando Court Reporting & Video, Inc.***

*216 16th Street, Suite 600*

*Denver Colorado, 80202*

*303-296-0017*

1           A       Because I wasn't told any different.

2           Q       Do you know where any -- any source of  
3       that information came from? Was it Sky?

4           A       It came from Sky.

5           Q       Okay. And what do you recall him telling  
6       you about when Virginia stopped working at  
7       Mar-a-Lago?

8           A       She was in a discussion with Mrs. Maxwell  
9       to educate her and take her under her wing and be her  
10      new momma. That's what I heard.

11          Q       Okay. And who told you that?

12          A       Sky.

13          Q       Okay. And do you remember when Sky told  
14      you that?

15          A       I don't remember.

16          Q       Okay. Did you learn anything else about  
17      that, other than what you just said?

18          A       No.

19          Q       Okay. Do you know where she went to work  
20      after Mar-a-Lago?

21          A       I think she went with Mrs. Maxwell.

22          Q       But do you know where, physically?

23          A       Physically, Sky and I dropped her off one  
24      day at Mrs. Maxwell's. I did not speak with  
25      Mrs. Maxwell. I didn't have anything to say to her.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 21, 2016

9:17 a.m.

C O N F I D E N T I A L

Deposition of JOSEPH RECAREY, pursuant  
to notice, taken by Plaintiff, at the  
offices of Boies Schiller & Flexner, 401  
Las Olas Boulevard, Fort Lauderdale, Florida,  
before Kelli Ann Willis, a Registered  
Professional Reporter, Certified Realtime  
Reporter and Notary Public within and  
for the State of Florida.

1 JOSEPH RECAREY - CONFIDENTIAL

2 Ghislane Maxwell?

3 A. I wanted to speak with everyone related to  
4 this home, including Ms. Maxwell. My contact was  
5 through Gus, Attorney Gus Fronstin, at the time, who  
6 initially had told me that he would make everyone  
7 available for an interview. And subsequent  
8 conversations later, no one was available for  
9 interview and everybody had an attorney, and I was  
10 not going to be able to speak with them.

11 Q. Okay. During your investigation, what did  
12 you learn in terms of Ghislane Maxwell's  
13 involvement, if any?

14 MR. PAGLIUCA: Object to form and  
15 foundation.

16 THE WITNESS: Ms. Maxwell, during her  
17 research, was found to be Epstein's long-time  
18 friend. During the interviews, Ms. Maxwell was  
19 involved in seeking girls to perform massages  
20 and work at Epstein's home.

21 MR. PAGLIUCA: Object to form and  
22 foundation.

23 BY MR. EDWARDS:

24 Q. Did you interview -- how many girls did  
25 you interview that were sought to give or that



1 JOSEPH RECAREY - CONFIDENTIAL

2 actually gave massages at Epstein's home?

3 MR. PAGLIUCA: Object to form and

4 foundation.

5 BY MR. EDWARDS:

6 Q. Approximately.

7 MR. PAGLIUCA: Same objection.

8 THE WITNESS: I would say approximately

9 30; 30, 33.

10 BY MR. EDWARDS:

11 Q. And of the 30, 33 or so girls, how many

12 had massage experience?

13 MR. PAGLIUCA: Object to form and

14 foundation.

15 THE WITNESS: I believe two of them may

16 have been -- two of them.

17 BY MR. EDWARDS:

18 Q. Okay. And as we go through this report,  
19 you may remember the names?

20 A. Correct. Let me correct myself. I  
21 believe only one had.

22 Q. And was that -- was that one of similar  
23 age to the other girls?

24 MR. PAGLIUCA: Object to form and

25 foundation.

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Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 3, 2016  
9:07 a.m.

C O N F I D E N T I A L

Deposition of DAVID RODGERS, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

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1 DAVID RODGERS

2 flyer person, then you would reduce it to an  
3 initial?

4 MR. PAGLIUCA: Object to form and  
5 foundation.

6 MR. REINHART: You can answer the  
7 question.

8 You can answer the question, if you can  
9 answer the question. You are allowed to answer  
10 the question, if you understand the question.

11 BY MR. EDWARDS:

12 Q. I'm trying to understand your testimony.

13 Is it, if you came to know that person --

14 A. Uh-huh.

15 Q. -- as a frequent flyer passenger, you  
16 would begin to reduce that person's name to an  
17 initial at some point?

18 MR. PAGLIUCA: Same objection.

19 THE WITNESS: Well, we don't really have a  
20 frequent flyer program that we do, so to speak.  
21 A lot of times I would do it because if you  
22 would write out everybody's name there is not  
23 enough space, you know, to get everybody's name  
24 in that little square there.

25

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1 DAVID RODGERS

2 Q. -- is that right?

3 And is that -- is Ghislaine Maxwell  
4 somebody that through the years 1995 through 2013  
5 was somebody who flew very frequently?

6 A. What were the years again?

7 Q. The years of this book, 1995 --

8 A. I wouldn't say through 2013. But, yes,  
9 '95 through 2000 sometime. Probably, I would have  
10 to go back and -- well, you can see in there.

11 Q. We will get to it.

12 A. There will be a point where you don't see  
13 her much. But to say it went through 2013 would not  
14 be accurate.

15 Q. Let's do it this way: The person that you  
16 have reflected on numerous notations --

17 A. Yes.

18 Q. -- through here as GM --

19 A. Yes.

20 Q. -- just by the initials, are we able to  
21 safely know that that is Ghislaine Maxwell?

22 A. Yes.

23 MR. PAGLIUCA: Object to form and  
24 foundation.

25 MR. EDWARDS: Court reporter, did you get

Confidential

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1 DAVID RODGERS

2 the answer?

3 THE REPORTER: Yes. The answer came  
4 before the objection.

5 BY MR. EDWARDS:

6 Q. So on the next flight, the next day, from  
7 Palm Beach to SAF. Is SAF Santa Fe?

8 A. Yes.

9 Q. And it indicates JE and GM.  
10 Are we able to then know that those  
11 passengers on that flight were Jeffrey Epstein and  
12 Ghislaine Maxwell?

13 A. Yes.

14 MR. PAGLIUCA: Object to form and  
15 foundation.

16 BY MR. EDWARDS:

17 Q. And where would you land at SAF? Is that  
18 an airport?

19 A. It is an airport.

20 Q. Is it a private airport?

21 A. No. It's -- airlines go in there.

22 Q. Did Jeffrey Epstein also have a landing  
23 strip at his property in New Mexico?

24 A. He did at one time.

25 Q. What would that -- do you remember what

Confidential

Page 36

1 DAVID RODGERS

2 that code would be?

3 A. I don't believe there was a code.

4 Q. All right. Were there times that you  
5 landed either the Gulfstream or the Boeing --

6 A. No.

7 Q. No.

8 MR. REINHART: Let him finish the question  
9 before you answer.

10 THE WITNESS: Oh, I'm sorry.

11 BY MR. EDWARDS:

12 Q. Sure. We are doing fine so far. But the  
13 court reporter is taking down all of our questions  
14 and all of our answers. We are communicating well.

15 A. Okay.

16 Q. But when I go to read this back, we may  
17 not get that.

18 A. Okay. Go ahead.

19 Q. So were there times where you landed one  
20 of Jeffrey Epstein's planes on his private landing  
21 strip at the New Mexico property?

22 A. Yes. But not the Gulfstream and not the  
23 Boeing.

24 Q. What plane did you land on his property?

25 A. The Cessna 421. And probably a



**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_ /

**REPLY IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL (DE 345)**

Sigrid McCawley (Pro Hac Vice)  
Meredith Schultz (Pro Hac Vice)  
BOIES, SCHILLER & FLEXNER LLP  
401 E. Las Olas Blvd., Suite 1200  
Ft. Lauderdale, FL 33301  
(954) 356-0011

Plaintiff Virginia Giuffre (“Ms. Giuffre”), by and through her undersigned counsel, hereby files this Reply in Support of her Motion to Compel (DE 345).

## **I. ARGUMENT**

### **A. This Court should Order Production of Documents Responsive to Requests Nos. 1-3**

Defendant characterizes the police reports (and information therein) concerning Ms. Giuffre as a minor as both “highly relevant” (Br. at 4) and “irrelevant” to this action (Br. at 5). On page 4, Defendant claims that actual police reports are “highly relevant,” stating: “the publicly available, redacted police reports are part of the record and constitute highly relevant evidence in this action.” But, on the very next page, when discussing the information gleaned from those police reports that Mr. Pagliuca had prior to the conferral call, Defendant claims the information from the police reports is “irrelevant,” stating: “**The records requested are irrelevant.** Plaintiff has asserted a single claim for defamation based on Ms. Maxwell’s denial of her outrageous allegations of ‘sex trafficking.’ The dispositive question is whether the denial was defamatory. RFP No. 1 seeks documents Mr. Pagliuca allegedly ‘reviewed and/or relied upon’ in allegedly making statements stating that Plaintiff previously made false accusations of sexual assault.” (Br. at 5). (Emphasis original).

How Defendant purports to distinguish between the actual police reports as “relevant,” and the information contained in the police reports as “irrelevant,” is unexplained. However, logic would dictate that if the police reports are “relevant,” so, too, is the information contained therein and how it was acquired. For that reason, this Court should grant Ms. Giuffre’s requests Nos. 1-3.

Defendant states that the material responsive to Ms. Giuffre’s requests Nos. 2-3 constitute “privileged communications between (a) Ms. Maxwell’s attorneys and Ms. Maxwell, (b) defense counsel and their agents, and between (c) defense counsel with joint defense or common interest privileges concerning obtaining or receiving ‘local police[] findings or opinions’ and ‘statements

made by law enforcement or any state attorney.’” (Br. at 9). Ms. Giuffre understands this winding sentence to mean that documents responsive to Requests Nos. 2-3 constitute communications between Defendant and Jeffrey Epstein and Alan Dershowitz or their counsel. As discussed at length in the moving brief, Defendant bears the burden to show that there is a joint defense agreement among them, but she refuses to disclose the joint defense agreement, and this Court, months ago, has already ordered Defendant to turn over her communications with Epstein and Dershowitz that she purported were privileged. (*See* April 15, 2016 Order). Accordingly, this Court should grant Ms. Giuffre’s requests Nos. 2-3.

**B. This Court should Order Production of Documents Responsive to Requests Nos. 6-7; 9-10; and 11.**

These requests concern joint defense agreements between and among Defendant, Epstein, and Dershowitz, and communications among counsel for Defendant and Epstein and Dershowitz. In Defendant’s objections submitted to Ms. Giuffre in response to the request for the joint defense agreement between her and Dershowitz, she stated that she “has been unable to locate any documents responsive to this Request.” In her brief, she says that “there is no joint defense agreement to produce.” (Br. at 9). There are two problems with this position.

First, Defendant is withholding responsive documents consisting of communications between Dershowitz/Dershowitz’s counsel and Epstein/Epstein’s counsel. Defendant does not, and cannot, refute the case law that puts the burden on establishing a joint defense privilege applies on the party claiming it, which must be shown through evidence. Defendant has put forth no evidence of these agreements. In fact, Defendant states that no such agreement exists with Dershowitz, and she is refusing to reveal the agreement with Epstein. Even if any privileges apply to the actual joint defense agreement with Epstein (and, in many cases, Courts find no privilege applies whatsoever), Defendant has to make that showing. This response brief does not

make that showing. “Such showings must be based on competent evidence, usually through affidavits, deposition testimony, or other admissible evidence.” *Egiazaryan v. Zalmayev*, 290 F.R.D. 421, 428 (S.D.N.Y. 2013) (citations omitted). Defendant has put forth no affidavits or testimony, but, instead, filed declarations of counsel for Epstein and Dershowitz, indicating their “belief” that a common interest exists.<sup>1</sup> Should the Court consider these declarations to be “competent evidence” to establish that a joint defense agreement exists between Defendant and Dershowitz and Epstein (though neither declaration state that an agreement exists), Ms. Giuffre submits that it should not have taken motion practice to elicit such “evidence” as it is Defendant’s burden to produce this evidence.

Second, these agreements are plainly relevant to the defamation claim in this case. This Court has previously ordered Defendant to produce emails in which both Epstein and Dershowitz were active in assisting Defendant draft defamatory statements against Ms. Giuffre. *See* April 15, 2016 Order. Defendant has set forth the defense that her defamatory statements are “substantially true,” and “cannot realistically have cause impairment to Plaintiff’s reputation.” The emails between and among Defendant, Epstein, and Dershowitz, show that that the three of them conspired specifically to damage Ms. Giuffre’s reputation. They also reveal that Defendant’s defamatory statements are not “substantially true.” The joint defense agreement(s) show Defendant’s ongoing and continued relationship with Dershowitz and Epstein, which is relevant to her defenses. Both of these individuals had a hand in Defendant’s statements to the public. At the very least, the Court should conduct an *in camera* review of any joint defense agreements that exist to determine their relevance to both the defamation claim and the multiple affirmative defenses offered by Defendant. *See Steuben Foods, Inc. v. GEA Process Engineering, Inc.*, 2016

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<sup>1</sup> Strangely, Defendant redacted both the names of counsel and the names of Epstein and Dershowitz in these filings.

WL 1238785, at \*2 (W.D.N.Y., 2016) (granting Plaintiff's motion to compel production of paragraph 5 of defendant's joint defense agreement, since that paragraph is relevant to the claims and defenses).

**C. This Court should Order Production of Documents Responsive to Requests No 12.**

In this request, Ms. Giuffre seeks the documents that concern her. Defendant tells the Court, "[c]onspicuously missing is any explanation of why a request for 'all documents concerning' Plaintiff would not require review and production of every document the defense has in this case." (Br. at 14). Both common sense and common attorney competencies belies this statement.<sup>2</sup> First, it is expected that the overwhelming majority of documents "concerning" Ms. Giuffre are attorney-client communications or work product created after the filing of this lawsuit. Such documents do not even require extensive review as they are protected by privilege, and can be categorically logged pursuant to the Local Rules and governing case law.<sup>3</sup> Therefore, there is no merit to Defendant's burden claim.

Moreover, throughout the months of motion practice concerning these issues, and throughout all of the meet and confers, Defendant's counsel has never presented a case supporting the far-fetched position that non-privileged documents in the possession of the

<sup>2</sup> Furthermore, Ms. Giuffre's correspondence suggesting just how these documents can be collected electronically without undue burden also belies any claim of ignorance on how to collect and produce documents responsive to this request without reviewing "thousands" of presumptively privileged communications.

<sup>3</sup> See also Southern District of New York Local Civil Rule 26.2(c); *Am. Broad. Companies, Inc. v. Aereo, Inc.*, 2013 WL 139560, at \*2 (S.D.N.Y. Jan. 11, 2013) ("the Court notes that [parties] . . . are presented with a number of option that . . . could mitigate the burden . . . including . . . **exclusion from the privilege logs of documents created after the commencement of litigation** . . .") (Emphasis added); *United States v. Bouchard Transp.*, 2010 WL 1529248, at \*2 (E.D.N.Y. Apr. 14, 2010) ("First, privilege logs are commonly limited to documents created before the date litigation was initiated. This is due to the fact that, in many situations, **it can be assumed that all documents created after charges have been brought or a lawsuit has been filed and withheld on the grounds of privilege were created "because of" that pending litigation.**") (Emphasis added).

Defendant, and containing explicit references to Ms. Giuffre, are irrelevant and not subject to discovery.

What should be reviewed and produced are the documents in Defendant's possession concerning Ms. Giuffre that are outside the scope of privilege. This would include, for example, Defendant's communications with third parties that concern Ms. Giuffre. The Court has already seen examples of some of these communications in its *in camera* review, and it ordered Defendant to produce Defendant's communications concerning Ms. Giuffre that she exchanged with Epstein, Ross Gow, and others. This request targets documents like those. Defendant has not argued any burden applies to such a collection.

Furthermore, if Defendant had collected her electronic data pursuant to this Court's order, an electronic search - few key strokes - would both identify these documents and eliminate the communications to/from Defendant's attorneys that fall under the ambit of privilege.

This is a basic request for documents concerning one of the parties, and one that would be issued in almost any litigation. Defendant's continued refusal to produce documents concerning Ms. Giuffre is made in bad faith and shows that she is hiding additional incriminating documents<sup>4</sup> (including those regarding a recently-discovered defamatory statement in the January 8, 2015, article, discussed, *infra*, at p. 6-7). An adverse inference instruction is appropriate in this circumstance, as more fully briefed in Ms. Giuffre's August 8, 2016, Memorandum of Law on the same (DE 338).

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<sup>4</sup> After the close of discovery and after the depositions have been taken in this matter, just days ago, Defendant produced a critical e-mail asserting that its exclusion from production was a "clerical error." The e-mail proves that the Defendant has continued to use Ross Gow as her "image consultant" and media relations agent during the course of this lawsuit to interface with the media. *See* McCawley Dec. at Exhibit 1, GM\_01141, November 10, 2015 email from Ross Gow to Defendant. This runs directly contrary to Defendant's representations to this Court that she has no ability to produce Ross Gow for a deposition and instead has forced Ms. Giuffre to spend thousands of dollars to track down a person who is in Defendant's employ.

**D. This Court Should Order Production of Documents Responsive to Requests No 17 and 18.**

Requests Nos. 17 and 18 seek documents “concerning any statement made by You or on Your behalf to the press or any other group or individual, including draft statements, concerning Ms. Giuffre, by You, Ross Gow, or any other individual, from 2005 to the present, including the dates of any publications, and if published online, the Uniform Resource Identifier (URL) address” and “all documents concerning which individuals or entities You or Your agents distributed or sent any statements concerning Ms. Giuffre referenced in Request No. 17 made by You or on Your behalf.” In other words, Ms. Giuffre is seeking what statements about Ms. Giuffre Defendant distributed and to whom. This is another basic request, particularly in a defamation case. Moreover, the only person who knows the full extent of Defendant’s defamation of Ms. Giuffre is Defendant.

In her brief, Defendant states that “the defense previously produced responsive documents.” It is likely that Defendant is referring to the press release email communication from Mr. Gow to various media outlets. The defamatory statements contained therein are referenced in Ms. Giuffre’s Complaint.

Since filing the instant motion, Ms. Giuffre has become aware that Defendant caused additional defamatory statements to be published. This is important. Ms. Giuffre has discovered an article that refers to a *different* defamatory statement, not contained in the above-state press release. *See* McCawley Dec. at Exhibit 2, January 8, 2015, The Sun (online) article: “Prince Andrew’s pal Ghislaine ‘groped teen girls,’” (Miss Maxwell’s spokesman branded the accusations against her a “web of lies and deceit” — adding: “None of these allegations are on oath. “These girls are saying anything they want for money.”). Communications bearing this language are responsive to these requests, as is the publication in which Ms. Giuffre discovered



it. Defendant has produced no documents at all related to this statement made by her representative.

This is a statement made to a major publication on behalf of Defendant. “Reasonable inquiry,” as required by Rule 26, Fed. R. Civ. P., would have *easily* yielded documents relating to this statement issued on Defendant’s behalf. Yet, Defendant did not produce documents relating to that defamatory statement, and is now caught in another discovery violation for her failure to produce documents related to that January 8, 2015, statement.

Defendant cannot refuse to provide Ms. Giuffre with the extent of the publication of Defendant’s defamatory statements nor can she decide, merely, to provide self-selected documents relating to the defamatory statements Ms. Giuffre knows about at the time. Wanting to hide the fact that her defamation was on a greater scale than originally known to Ms. Giuffre is not a proper objection, and withholding from discovery Defendant’s additional defamation constitutes a discovery violation. The Court should order Defendant to fully comply with the requests in Nos. 17 and 18, including the production of documents related to the statement issued on her behalf to The Sun as reported in the January 8, 2015, article, above.

#### **E. The Documents Improperly Logged**

Defendant has withheld communications with Alan Dershowitz’s counsel claiming a common interest/joint defense privilege. As stated above, Defendant claims that there exist no joint defense agreement between her and Mr. Dershowitz. (Br. at 9). Yet, Defendant has agreed to provide non-party Dershowitz all the discovery materials in this case, and Dershowitz has clearly agreed to assist Defendant in this litigation.

It is Ms. Giuffre’s position that an agreement must still be evidenced in order to invoke the common interest/joint defense privilege by affidavit or similar evidence. *See Von Bulow by Auersperg v. Von Bulow*, 811 F.2d 136, 147 (2d Cir.), cert. denied, 481 U.S. 1015, 107 S.Ct.

1891, 95 L.Ed.2d 498 (1987); *Bowne of N.Y.C., Inc. v. AmBase Corp.*, 150 F.R.D. 465, 472 (S.D.N.Y.1993). *Egiazaryan v. Zalmayev*, 290 F.R.D. 421, 428 (S.D.N.Y. 2013). A “declaration” from Dershowitz’s counsel stating that she “believe[s] Professor Dershowitz and Defendant Ghislaine Maxwell have a common interest”<sup>5</sup> is not evidence of a joint defense agreement, and Defendant still fails to carry her burden. Accordingly, this Court should compel the production communications with Dershowitz’s counsel. The “declaration” of Epstein’s counsel similarly falls short. *See* Indyke Dec. at ¶ 4 (“I consider Mr. Epstein and his lawyers and Ms. Maxwell and her lawyers to have a common interest.”) Therefore, if the Court finds that these declarations do not satisfy Defendant’s burden under *Egiazaryan*, it should compel Defendant to produce those documents.

#### **F. A Forensic Review is Appropriate in these Circumstances**

Since filing the instant motion, Defendant has produced another communication between her and Ross Gow, and another email between her and Jeffrey Epstein. Defendant explained that they were not produced “following the Court’s *in camera* review in April” due to “clerical error.” *See* McCawley Dec. at Exhibit 3, August 16, 2016 letter from Laura Menninger.<sup>6</sup> One of these documents is an April 2015, email between Defendant and Epstein.

Defendant complains to the Court that a forensic review would invade her privacy (br. at 20-21), while at the same time, she and her joint defense partner both seek to strip away Ms. Giuffre’s privacy by revealing confidential documents under the Protective Order. However,

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<sup>5</sup> Declaration of Mary E. Borja (DE 387).

<sup>6</sup> In one of the communications, she states that she would like “Barden” to reply to “one further allegation” and Epstein writes back, “ok.” This document was not produced until after the close of discovery, and therefore, Defendant was never deposed on (1) why she was seeking Epstein’s permission for a having Barden make a “reply;” (2) what Epstein’s relationship was with Barden; (3) or who drafted the original communication at the bottom of the email, as it does not appear to have been created by either Defendant or Epstein. (Pending before this Court is Ms. Giuffre’s motion to reopen Defendant’s deposition.) (DE 315/356). *See* GM\_01143-1144.

Defendant fails to mention that a forensic review would not give Ms. Giuffre - or the Court, or anyone in the world - access to, or knowledge of “highly sensitive information” that is not directly responsive or directly relevant to this case. Ms. Giuffre requested a forensic exam by an independent, third-party technician (not conducted by Ms. Giuffre or her agents), who would be bound by the terms of this Court’s Protective Order or any other strictures necessary to maintain Defendant’s privacy. Therefore, this argument is without merit.

Additionally, Defendant’s case law is easily distinguishable. *Abidor v. Napolitano*, 990 F. Supp. 2d 260, 280 (E.D.N.Y. 2013), is a case brought by criminal defense lawyers challenging the inspection by governmental entities (Immigration and Customs Enforcement and Customs and Border Protection) of electronic devices individuals brought across the border under Fourth Amendment grounds.<sup>7</sup> Of course, there are no Fourth Amendment implications in this case raised by having a neutral third-party (who is not a state actor) assist Defendant in recovering relevant/deleted material from her electronic data in this civil case. Similarly, *U.S. v. Galpin*, 720 F.3d 436, 447 (2d Cir. 2013), is a criminal case involving possession of child pornography, evidence of which was found through a government search of a party’s computer. These cases are inapposite.

Furthermore, in her Rule 45 subpoenas to Microsoft and Apple, Defendant sought ***unfettered access all of Ms. Giuffre’s sent and received email*** (and attendant metadata), regardless of the relevance, and regardless of content. Defendant’s subpoenas, combined with her argument made to this Court to support them, surely belies Defendant’s expressed concern

---

<sup>7</sup> Of course, the Fourth Amendment protects individuals from search and seizure by ***state actors***, and states: “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” U.S. Const. amend. IV.

about privacy. (This Court quashed those subpoenas, *see* June 23, 2016, Minute Entry). Defendant cannot argue to the Court *in June* that it is appropriate for her to receive unfettered access to every email Ms. Giuffre ever sent or received from two accounts, and then, *in August*, argue to the Court that it is inappropriate for a neutral third-party to review Defendant's electronic documents for deleted (or unproduced) responsive documents - a process through which, importantly, neither Ms. Giuffre nor the Court gets access to all of Defendant's data (unlike Defendant's subpoenas which would give all data directly to her). To the contrary, neither Ms. Giuffre nor the Court would ever see or know about Defendant's personal data unless it is non-privileged, and directly responsive to the requests for production that this Court has already, specifically allowed.

Finally, Defendant denies using her gmax1@mindspring.com account for anything other than spam, despite the fact that the account was set up by Jeffrey Epstein for the purpose of sending electronic communications to members of his household. *See* DE 338; Alessi Dep. Tr. at 223:5-225:17. (June 1, 2016) (McCawley Decl. at Exhibit 4); Banasiak Dep. Tr. at 56:13-17; 5:2-14; 58:1-7; 60:21-61:7 (February 16, 2010) (Emphasis added) (McCawley Decl. at Exhibit 5). Defendant denies knowledge of her [REDACTED], and has not pursued access to that account, despite the fact that the account name bears her initials and was part of her contact information gathered by the police from Epstein's home, and turned over to the Palm Beach County State Attorney as part of the investigation and prosecution of Epstein. *See* (DE 280-2), Palm Beach County State Attorney's Office, Public Records Request No.: 16-268, Disc 7 at p. 2305 (GIUFFRE007843). Yet, Defendant has **not disclosed** what email account she did use while she abused Ms. Giuffre, and has never searched that account nor produced documents from it. Accordingly, a forensic exam is called for at this time.

Respectfully Submitted,

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---

<sup>8</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 24, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Meredith Schultz  
Meredith Schultz

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_/

**DECLARATION OF SIGRID MCCAWLEY IN SUPPORT OF PLAINTIFF’S REPLY IN  
SUPPORT OF PLAINTIFF’S MOTION TO COMPEL (DE 345)**

I, Sigrid McCawley, declare that the below is true and correct to the best of my knowledge as follows:

1. I am a Partner with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court’s Order granting my Application to Appear Pro Hac Vice.
2. I respectfully submit this Declaration in Support of Plaintiff’s Reply in Support of Plaintiff’s Motion to Compel (DE 345).
3. Attached hereto as Sealed Exhibit 1 is a true and correct copy of November 10, 2015, Correspondence from Ross Gow to Ghislaine Maxwell.
4. Attached hereto as Sealed Exhibit 2 is a true and correct copy of January 8, 2015, Online Article from The Sun.
5. Attached hereto as Sealed Exhibit 3 is a true and correct copy of August 16, 2016, Correspondence from Laura Menninger.
6. Attached hereto as Sealed Exhibit 4 is a true and correct copy of Excerpts from June 1 2016, Deposition of John Alessi.



7. Attached hereto as Sealed Exhibit 5 is a true and correct copy of Excerpts from February 16, 2016, Deposition of Janusz Banasiak.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Sigrid McCawley  
Sigrid McCawley, Esq.

Dated: August 24, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

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<sup>1</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 24<sup>th</sup> day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Sigrid S. McCawley  
Sigrid S. McCawley

# EXHIBIT 1

## (File Under Seal)

---

From: Ross Gow [REDACTED]  
Sent: 10 November 2015 18:16  
To: Gmax; Philip Barden  
Subject: Fwd: Inquiry from The New York Times

Hi Ghislaine and Philip  
Please advise how you wish to respond...  
Best  
Ross

----- Forwarded message -----

From: Meier, Barry [REDACTED]  
Date: Tuesday, 10 November 2015  
Subject: Inquiry from The New York Times  
To: [REDACTED]

Mr. Gow,  
Good day. I am a reporter for the Times and it is my understanding that you represent Ghislaine Maxwell.  
I am working on an article about the legal fallout from the Jeffrey Epstein case.  
I anticipate mentioning the lawsuit filed earlier this year by Virginia Roberts Guiffie against Ms. Maxwell.  
How does she respond?  
Kindly advise by close of business Thursday, November 12, 2015.  
And call me if you have any questions.  
Regards,  
Barry Meier

--  
The New York Times  
620 Eighth Avenue  
New York, NY 10018  
[REDACTED]

--

Ross Gow  
Managing Partner  
ACUITY Reputation

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The Devonshires Foundation is proud to support Action for Kids (reg. charity 1068841), Wide horizons (reg. charity 1105847), and Theatre Royal Stratford East (reg. charity 233801) during 2014/2015.

Please consider the environment before printing this email.

# EXHIBIT 5

## (File Under Seal)



IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL  
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA  
CASE NO:502008CA028051XXXXMB AB

L.M.

Plaintiff,

-vs-

JEFFREY EPSTEIN  
AND SARAH KELLEN,

Defendants.

\_\_\_\_\_ /

DEPOSITION OF JANUSZ BANASIAK

Tuesday, February 16, 2010  
10:09 - 2:30 p.m.

250 Australian Avenue South  
Suite 1500  
West Palm Beach, Florida 33401

Reported By:  
Cynthia Hopkins, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting  
Job No.: 1317

(561) 832-7500 PROSE COURT REPORTING AGENCY, INC. (561) 832-7506

1 Q. Is your computer in your office --

2 A. Yes.

3 Q. Let me finish. Is the computer in your  
4 office linked up with the three computers that were  
5 removed from the house? Meaning, can you look at  
6 the system and see what is on those three computers?

7 A. No, no.

8 Q. Is it your understanding that those three  
9 computers are linked with one another or do you  
10 know?

11 A. I don't know, but I, I doubt it. They are  
12 separate I guess.

13 Q. Okay. Were you aware that Mr. Epstein  
14 used a Citrix program to link various computers?  
15 Did you know that?

16 A. Yeah. I use Citrix too in my computer for  
17 exchanging e-mails and get through Internet.

18 Q. Okay. So, is it your understanding that  
19 the only connection then through Citrix with these  
20 computers, these various computers that were in  
21 Mr. Epstein's home, was for e-mail purposes?

22 A. Yes.

23 Q. Okay. To your knowledge, you're not  
24 familiar with those computers sharing other files or  
25 information?

1 A. No.

2 Q. That's not something that you were, you  
3 were privy to? You weren't, you weren't in the loop  
4 of the sharing of information in the house in terms  
5 of the computers being connected through any server?

6 A. I don't really know what, how, how to answer  
7 your question because Citrix is for the whole  
8 organization to exchange e-mail between employees.

9 Q. All right. You used the term?

10 A. So, even my computer is connected to Citrix.  
11 I can receive mail and I can e-mail information to  
12 employee within organization. But I don't know if you  
13 can see to each computer what is going on on another  
14 computer.

15 Q. You don't know about --

16 A. Is that your question?

17 Q. You don't know about shared files?

18 A. No.

19 Q. You only know that the one computer can  
20 e-mail the other?

21 A. Right.

22 Q. But that can happen with any two computers  
23 in the world pretty much. You can send e-mails to  
24 each other, right.

25 A. Yes.

1 Q. You have used the term organization, you  
2 can share within the organization. What do you --  
3 just so I can understand what you're calling the  
4 organization, what do you mean by that word?

5 A. People employed by Jeffrey Epstein. There are  
6 a few groups of people, his office in New York and I  
7 guess --

8 Q. Who are those people by name that you  
9 would consider within the Jeffrey Epstein  
10 organization?

11 A. His accountant, his --

12 Q. Who is that?

13 A. Bella Klen.

14 Q. What is it?

15 A. Bella Klen. K-l-i-n. E-n, I'm sorry.

16 Q. Bella, B-e-l-l-a?

17 A. Yes.

18 Q. Is that somebody in New York?

19 A. Yes.

20 Q. Is that a male or female?

21 A. Female.

22 Q. And you understand that's his accountant?

23 A. Right.

24 MR. GOLDBERGER: Just to get the spelling  
25 correct is it K-l-e-i-n?

1 THE WITNESS: I don't know.

2 BY MR. EDWARDS:

3 Q. We'll go back to that but I tell you why I  
4 ask. If you don't know then you don't know, but in  
5 the course of Mr. Epstein's -- you're aware that he  
6 did plead guilty to a couple felonies in state  
7 court, right?

8 A. Right.

9 Q. Well, in the course of the negotiation  
10 with the federal government and the U.S. Attorney's  
11 Office, they, the agreement between Mr. Epstein and  
12 the U.S. Attorney's office mentions people that are  
13 called co-conspirators of Epstein. And Leslie Groff  
14 is named as one of those co-conspirators.

15 Do you know what involvement, if any, that  
16 she had with the crimes that were being  
17 investigated?

18 A. No.

19 Q. Okay.

20 A. I am not aware of this.

21 Q. Okay. The other people mentioned as  
22 co-conspirators are Sarah Kellen, Adriana Ross, and  
23 Nadia Marcinkova. So we'll get to them in a minute  
24 but first just so we stay on the track of who was in  
25 the organization, is Sarah Kellen, Adriana Ross and

1       Nadia Marcinkova all people that you would also  
2       consider within the organization?

3             A.    Yes.

4             Q.    Okay.  So, we just added three more names  
5       to it.  Who else would you consider, Ghislaine  
6       Maxwell?

7             A.    Yes.

8             Q.    And who else?

9             A.    Who was working there?

10            Q.    Bella, Richard Kahn, Leslie Groff,  
11       Ghislaine Maxwell, Nadia, Sarah, Adriana.

12            A.    I think Harry was involved with the  
13       accounting.

14            Q.    Okay.

15            A.    I don't recall his last name.

16            Q.    Somebody else involved with the  
17       accounting?

18            A.    Yes.

19            Q.    Okay.  Any of those people that you just  
20       named, were any of those people that you just named  
21       the person that you described as the gentleman that  
22       assisted Adriana in removing the computers from the  
23       house prior to the search warrant being executed?

24            A.    No.  You mean the one who show up to do those  
25       computers?

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VIRGINIA L. GIUFFRE,  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
Defendant.  
-----X

15-cv-07433-RWS

DEFENDANT’S MOTION FOR LEAVE TO FILE A SUR-REPLY  
OR, ALTERNATIVELY, TO STRIKE  
PLAINTIFF’S MISREPRESENTATIONS OF FACT TO THE COURT

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Defendant Ghislaine Maxwell (“Ms. Maxwell”) files this Motion for Leave to File a Sur-Reply or, Alternatively, to Strike Plaintiff’s Misrepresentations of Fact from her Reply In Support of Motion For Protective Order And To Direct The Defendant To Disclose All Individuals To Whom Defendant Has Disseminated (sic) Confidential Information (Doc. #388), and states as follows:

### INTRODUCTION

Plaintiff’s Reply makes material misrepresentations of fact. Those misstatements cannot stand in a filed, albeit redacted, pleading. Ms. Maxwell has never “admitted” to having “threesomes with multiple different girls.” (Reply at 4). That is a misstatement of fact compounded by Plaintiff’s intentional omission of the previous page of deposition testimony which exposes the falsehood. Similarly, Detective Joe Recarey never “testified that Defendant procured underage girls for Epstein.” (Reply at 4) To the contrary, he testified that *all* of the underage girls he interviewed never mentioned Ms. Maxwell at all.

These are but a few of the misrepresentations of fact contained in Plaintiff’s Reply. Accordingly, Ms. Maxwell seeks leave of the Court to file a Sur-Reply or, alternatively, moves the Court to strike from Plaintiff’s Reply the misstatements of fact.

### PLAINTIFF’S MISSTATEMENTS OF FACT

1. “Defendant’s own admission of how she and Epstein had threesomes with **multiple different girls** whose names she can’t even remember...” (Reply at 4). Ms. Maxwell testified that on a “few occasions” she engaged in sexual activity with Jeffrey Epstein and another *adult woman*. Specifically, when asked to describe the woman, Ms. Maxwell testified:

Q. Can you describe any of the people with whom you engaged in sexual activities at Mr. Epstein's home in Palm Beach?

A. The description that I have is **somebody who is roughly my age**, and I recall a blond and I recall a brunette, and that's pretty much what I recall.

(Tr. at 57:5-13).

Q. The women with whom you engaged in sexual activities with Mr. Epstein and yourself and the other women, were they older or younger than you?

A. Same age as me.

(Tr. at 62:10-14).

It is an outright misrepresentation to this Court that Ms. Maxwell admitted to any sexual contact with a “multiple different girls.” A “girl” is a female child. *See, e.g.*, Cambridge University Dictionary, “Girl: a female child or young woman, especially one still at school” (<http://dictionary.cambridge.org/dictionary/english/girl>) (last accessed August 25, 2016). Ms. Maxwell described these few occasions as occurring in the late 1990s when she was in her late 30s, with women who were the “same age as me.” Plaintiff well knows that it is irrelevant to this lawsuit whether Ms. Maxwell engaged in consensual, adult sexual activities with women. There is no allegedly defamatory statement that has anything to do with Ms. Maxwell’s private adult sex life. It is an abuse of this litigation process to even ask Ms. Maxwell such questions.

Instead, Plaintiff’s flagrant misrepresentation is designed to support her false assertion that Ms. Maxwell participated in sexual activities with underage girls, which she did not and indeed, no witness other than Plaintiff has claimed that she has. Plaintiff intentionally omitted the deposition pages from Ms. Maxwell’s testimony which clarified the age and misstated in her Reply that she “admitted” to “threesomes with multiple girls.” This was an intentional misrepresentation of fact.

2. “*Ms. Giuffre was the child victim of sexual abuse, which is undisputed.*” (Reply at 9) If there is one thing this litigation makes clear, it is heavily disputed that Ms. Giuffre was the child victim of sexual abuse. Ms. Maxwell has absolutely no evidence whatsoever that Ms. Giuffre was the child victim of any sexual abuse. As she testified at her deposition:

Q. Do you know what happened during the massage appointments with Jeffrey Epstein and Virginia Roberts?

A. No.

Q. Were you ever present to view a massage between Jeffrey Epstein and Virginia Roberts?

A. I don't recollect ever seeing Virginia and Jeffrey in a massage situation.

Q. Do you ever recollect seeing them in a sexual situation?

A. I never saw them in a sexual situation.

Q. Did you ever participate in sex with Virginia Roberts and Jeffrey Epstein?

A. I never ever at any single time at any point ever at all participated in anything with Virginia and Jeffrey. And for the record, she is an absolute total liar and you all know she lied on multiple things and that is just one other disgusting thing she added.

(4/22/16 Tr. at 75-76). The Palm Beach State's Attorney's Office, the Palm Beach Police Department and the Royal Palm Beach Police Departments all likewise have never concluded that Plaintiff was a "child victim of sexual abuse." Rather their reports reflect Plaintiff's false allegations of being a "child victim of sexual abuse" in situations such as getting in trouble for running away from home, getting in trouble for not attending school, getting in trouble for using alcohol and marijuana. There is absolutely nothing "undisputed" about Plaintiff's claim of victimhood.

Furthermore, Plaintiff left unredacted her assertion that it is "undisputed" that Ms. Roberts was the child victim of sexual abuse, leaving the mis-impression with the public that Ms. Maxwell has in some way conceded that to be true. She has not.

3. *"Detective Joseph Recarey ... testified that Defendant procured underage girls for Epstein"* (Reply at 3, n.4). In fact, Detective Recarey testified that *none* of the underage girls interviewed in connection with his investigation into Epstein claimed to have been hired by Maxwell; in fact, none of them mentioned Ms. Maxwell at all. The two *women* he interviewed who were hired by Ms. Maxwell both said they gave professional, adult massages to Epstein.

Q. So out of your entire report, the only two people who ever said anything about Ms. Maxwell were Ms. Sjoberg, who I believe was 23 when you interviewed her?

A. Right, but she was -- She was -- she had worked there for quite some time, so you would have to back up, I think, a year or two.

Q. She was an adult when she worked there?

A. Right. She was over the age of 18, right, let's put it that way.

Q. And she was not listed by you as a victim as part of this case, right?

A. Correct, because it was between two consenting adults.

Q. Exactly. And so that's Ms. Sjoberg, and then the other individual, I think you said Bolero; is that right?

A. Venero, Christina Venero. She's a --

Q. Adult masseuse, correct?

A. Yes. I remember she had lots of tattoos.

Q. Tatts, right. But the 17 individuals that you listed in Exhibit 1, none of those individuals ever said the word -- the words "Ghislaine Maxwell" during the course of this investigation to you, correct?

A. I don't believe so. It would be on the tapes if they did.

(Tr. 194-195).

4. “Ms. Sjoberg’s testimony of how Defendant lured her from her school to have sex with Epstein under the guise of answering phones...” (Reply at 4). In truth, Ms. Sjoberg (an adult at the time, attending *college*) testified that Ms. Maxwell asked her to “massage feet,” which is something she had recently been doing on her mission trip, that she later became a professional masseur, that she came to engage in “consensual, adult” sexual contact with Epstein through no involvement of Ms. Maxwell, that any sexual intercourse with Epstein took place in 2005 when Ms. Maxwell was no longer around, and that Ms. Maxwell never participated in nor asked her to participate in any sexual conduct. (Tr. at 8, 13, 49, 50-52, 99, 101, 147).

5. “Mr. Rizzo’s testimony about how Defendant took the passport of a 15-year-old Swedish girl and threatened her when she refused to have sex with Epstein” (Reply at 4). Plaintiff’s continued reliance on the testimony of Mr. Rizzo is tantamount to suborning perjury.

Mr. Rizzo's testimony is vehemently denied by all individuals involved, including his former employers, a respected medical professional and her husband a well-respected businessman. His account does not accord with *any* reports made to law enforcement (Mr. Rizzo himself did not make any reports to law enforcement regarding the events that he says occurred 12 years ago). Further, Mr. Rizzo said the events were so "shocking" that he quit his job, but he later admitted he returned to the same job a short time later. Mr. Rizzo has been in litigation against his employers and admitted he contacted Mr. Edwards to represent him hoping he could make more money from this case.

6. *"Mr. Alessi's testimony about how Defendant brought girls over for Epstein"*

(Reply at 4). In truth, Mr. Alessi testified that the massage therapists for Mr. Epstein were over the age of 18 and that he only assisted Ms. Maxwell in hiring *adult* massage therapists from high end spas such as Breakers Hotel, Mar-a-Lago, or Boca Raton Resort and Hotel. The only underage person he saw at the house was [REDACTED] and she was never naked or participating in massages. (Tr. at 165, 182, 188).

7. *"Mr. Figueroa's testimony about how Defendant would call him to bring over*

*underage girls and how Defendant and Epstein would have threesomes with Ms. Giuffre"*

(Reply at 4). In fact, convicted felon Tony Figueroa *denied* that Ms. Maxwell called him at all.

Q: Did you ever bring a girl to Ms. Maxwell?

A: No.

Q: Did Ms. Maxwell ever call you and ask you to bring a girl to her?

A: No.

Q: Did Ms. Maxwell ever call you and ask you to bring a girl to Jeffrey?

A: No.

(Tr. at 106-07).

He had no personal knowledge whether anything other than massage occurred with the females that went over to Mr. Epstein's home:

Q. Well, you said you observed bringing a girl over.

A. No. I'm just saying -- like, I brought them over, yes. But I have never observed anything, like, sexual. Never anything -- like to where it would be an illegal activity. Like, any time I was there, everybody was dressed. They were all talking like it was just, like, people hanging out in a room, you know what I mean? There was never anything going on when I was there, so...

Q Do you have any personal knowledge as to whether anything other than a massage took place between Jeffrey and these girls?

A No.

Q You did not see anything?

A Nope.

Q They didn't tell you afterwards anything happened?

A Nope.

(Tr. at 116). He testified that all of the females he brought over were his age, or at most a year younger, and he was 20. (Tr. at 234) Further, he never saw any sexual activity occur between Plaintiff and Mr. Epstein:

Q Ms. Roberts described sexual acts that she participated in with Jeffrey; correct?

A Yes.

Q And you did not observe that?

A No.

(Tr. at 121).

8. *"Defendant and/or Her Joint Defense Partners Previously Fed [Plaintiff's False Claims of Sexual Assault] to the Media"* (Reply at 9). Ms. Maxwell, and her "joint defense partners," have never "fed" to the media anything about Plaintiff's various false claims of sexual abuse. To the contrary, all of the email exchanges between Ms. Maxwell, Mr. Gow, Mr. Epstein and others indicate Ms. Maxwell's extreme reluctance to be involved with the media. The email quoted by Plaintiff in her Reply at page 5 simply shows that Mr. Gow picked up on the media's

independent reports of Plaintiff's false allegations of sexual assault and sent that information to Ms. Maxwell. There is nothing in Mr. Gow's email then or afterwards which suggests *he* or Ms. Maxwell or anyone else they know "leaked" the story. Indeed, there is nothing to suggest that Ms. Maxwell had access to Plaintiff's police reports in February 2015. The police reports were obtained, by Plaintiff's admission, in April 2016. This is pure unsupported speculation and slander on the part of Plaintiff's counsel, ironically, the very people who misrepresented to the press the contents of the police reports and hid from production all of the other instances of Plaintiff's contact with law enforcement.

### ARGUMENT

None of these factual assertions bear on the issue before the Court -- whether Plaintiff's publicly available criminal files should be deemed "confidential" under the Protective Order. None of the witnesses has anything to do with Plaintiff's false claims of sexual assault as a child, nor her domestic violence. Indeed, in what is an almost daily occurrence in this case, Plaintiff has selectively misquoted portions of deposition transcript testimony in an effort to mislead the Court into believing there is evidence of Ms. Maxwell's guilt, a topic in the exclusive province of the jury, so as to improperly influence the Court's discovery rulings.

Ms. Maxwell cannot stand idly by while Plaintiff *misrepresents to the Court* and says, for example, that she confessed to participating in threesomes with "girls." Reply at 4. No such admission occurred. It is a violation of candor to the Court to claim otherwise. Likewise, Detective Recarey never concluded in his investigation that Ms. Maxwell "procured underage girls for Epstein." In fact, quite the opposite, Detective Recarey found no evidence that Ms. Maxwell ever even met any of the underage girls he interviewed.



Ms. Maxwell seeks leave of the Court to file a Sur-Reply to refute these baseless, false misrepresentations to the Court that Plaintiff included within her Reply, if Plaintiff does not honor her obligations under Rule of Professional Conduct 3.3 to withdraw them of her own accord.

Dated: August 25, 2016.

Respectfully submitted,

/s/ Laura A. Menninger

---

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*Attorneys for Ghislaine Maxwell*

**CERTIFICATE OF SERVICE**

I certify that on August 25, 2016, I electronically served this *Defendant's Motion For Leave To File A Sur-Reply Or, Alternatively, To Strike Plaintiff's Misrepresentations Of Fact To The Court* via ECF on the following:

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/s/ Nicole Simmons

Nicole Simmons

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

|                      |   |                        |
|----------------------|---|------------------------|
| -----X               | : |                        |
| VIRGINIA L. GIUFFRE, | : |                        |
| Plaintiff,           | : |                        |
| v.                   | : | <b>15-cv-07433-RWS</b> |
| GHISLAINE MAXWELL,   | : |                        |
| Defendant.           | : |                        |
| -----X               | : |                        |

**Declaration Of Laura A. Menninger In Support Of  
Defendant's Motion For Leave to File A Sur-Reply Or, Alternatively,  
to Strike Plaintiff's Misrepresentations of Fact to the Court**

I, Laura A. Menninger, declare as follows:

1. I am an attorney at law duly licensed in the State of New York and admitted to practice in the United States District Court for the Southern District of New York. I am a member of the law firm Haddon, Morgan & Foreman, P.C., counsel of record for Defendant Ghislaine Maxwell in this action. I respectfully submit this Declaration in support of Ms. Maxwell's Motion for Leave to File A Sur-Reply Or, Alternatively, to Strike Plaintiff's Misrepresentations of Fact to the Court.

2. Attached as Exhibit A (filed under seal) are true and correct copies of excerpts from the July 22, 2016 deposition of Ghislaine Maxwell, designated as Confidential under the Protective Order.

3. Attached as Exhibit B (filed under seal) are true and correct copies of excerpts from the April 22, 2016 deposition of Ghislaine Maxwell, designated as Confidential under the Protective Order.

4. Attached as Exhibit C (filed under seal) are true and correct copies of excerpts from the deposition of Detective Joseph Recarey designated as Confidential under the Protective Order.

5. Attached as Exhibit D (filed under seal) are true and correct copies of excerpts from the deposition of Johanna Sjoberg, designated as Confidential under the Protective Order.

6. Attached as Exhibit E (filed under seal) are true and correct copies of excerpts from the deposition of Juan Alessi, designated as Confidential under the Protective Order.

7. Attached as Exhibit F (filed under seal) are true and correct copies of excerpts from the deposition of Tony Figueroa, designated as Confidential under the Protective Order.

Executed on August 25, 2016

By: /s/ Laura A. Menninger  
Laura A. Menninger

**CERTIFICATE OF SERVICE**

I certify that on August 25, 2016, I electronically served this *Declaration Of Laura A. Menninger In Support Of Defendant's Motion for Leave to File A Sur-Reply Or, Alternatively, to Strike Plaintiff's Misrepresentations of Fact to the Court* via ECF on the following:

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/s/ Nicole Simmons  
Nicole Simmons

# **EXHIBIT D**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----X

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----X

May 18, 2016

9:04 a.m.

C O N F I D E N T I A L

Deposition of JOHANNA SJOBERG, pursuant  
to notice, taken by Plaintiff, at the  
offices of Boies Schiller & Flexner, 401  
Las Olas Boulevard, Fort Lauderdale, Florida,  
before Kelli Ann Willis, a Registered  
Professional Reporter, Certified Realtime  
Reporter and Notary Public within and  
for the State of Florida.



1 Q. Okay. Great.

2 All right. Do you know a female by the  
3 name of Ghislaine Maxwell?

4 A. Yes.

5 Q. And when did you first meet Ms. Maxwell?

6 A. 2001. March probably. End of  
7 February/beginning of March.

8 Q. And how did you meet her?

9 A. She approached me while I was on campus at  
10 Palm Beach Atlantic College.

11 Q. And what happened when she approached you?

12 A. She asked me if I could tell her how to  
13 find someone that would come and work at her house.  
14 She wanted to know if there was, like, a bulletin  
15 board or something that she could post, that she was  
16 looking for someone to hire.

17 Q. And what did you discuss with her?

18 A. I told her where she could go to -- you  
19 know, to put up a listing. And then she asked me if  
20 I knew anyone that would be interested in working  
21 for her.

22 Q. Did she describe what that work was going  
23 to be?

24 A. She explained that she lived in Palm Beach  
25 and didn't want butlers because they're too stuffy.

1 Q. And how long did you work in that position  
2 answering phones and doing --

3 A. Just that one day.

4 Q. Just that one day.

5 And did your duties change?

6 A. Well, the next time she called me, she  
7 asked me if I wanted to come over and make \$100 an  
8 hour rubbing feet.

9 Q. And what did you think of that offer?

10 A. I thought it was fantastic.

11 Q. And did you come over to the house for  
12 that purpose?

13 A. Yes.

14 Q. And when you came over to the house, was  
15 Maxwell present?

16 A. I don't recall.

17 Q. And what happened that second time you  
18 came to the house?

19 A. At that point, I met Emmy Taylor, and she  
20 took me up to Jeffrey's bathroom and he was present.  
21 And her and I both massaged Jeffrey. She was  
22 showing me how to massage.

23 And then she -- he took -- he got off the  
24 table, she got on the table. She took off her  
25 clothes, got on the table, and then he was showing

1 (The referred-to document was marked by  
2 the court reporter for Identification as  
3 Sjoberg Exhibit 4.)

4 BY MS. MCCAWLEY:

5 Q. I'm just going to ask that you take a look  
6 at that. As you can see, under the narrative line  
7 there, there is a name. It says, "Reported by  
8 Recarey, Joseph." Is that a name you recall meeting  
9 with, a Detective Recarey?

10 A. Yes. I mean, I don't recall his name,  
11 only except that he had been following me around,  
12 and he left me cards, like, on my car and in my  
13 door. I tried to avoid him for a long time.

14 Q. And can you just look at the text  
15 underneath there?

16 A. Uh-huh.

17 Q. Take a moment to look at that.

18 A. Sure.

19 Q. Does that refresh your recollection as to  
20 what you told the police during the investigation?

21 A. There are errors in here. I was not 23  
22 when I met him. I was 21.

23 Q. Anything else that doesn't look correct?

24 A. The same error: That I had met him three  
25 years ago, and it obviously had been closer to five.

1                   There is also the error, he obviously  
2       misunderstood me: He did not pay for my tuition at  
3       college. I'm still paying those school loans. But  
4       he did pay for me to go to massage school and to  
5       cosmetology school.

6                   Okay. It pretty much ends here.

7           Q.     Yes. Right. About halfway through the  
8       page.

9           A.     Okay.

10           MS. McCAWLEY: So, Johanna, that concludes  
11       my initial piece. I'm going to reserve the  
12       rest of my time for redirect. I'm going to  
13       turn it over to Laura.

14           MS. MENNINGER: Can we take just a little  
15       break?

16           MS. McCAWLEY: Sure, no problem.

17           THE VIDEOGRAPHER: Off the record at  
18       10:05.

19                   (Thereupon, a recess was taken, after  
20       which the following proceedings were held:)

21           THE VIDEOGRAPHER: On the record at 10:14.

22                   E X A M I N A T I O N

23       BY MS. MENNINGER:

24           Q.     Hi.

25           A.     Hello.

1 Q. We've never met before today, correct?

2 A. Correct.

3 Q. Can you tell me a little bit about your  
4 current job?

5 A. Sure. I just purchased a salon. I'm a  
6 salon owner. I'm a hairstylist.

7 Q. Congratulations.

8 A. Thank you.

9 Q. How long have you been a hairstylist?

10 A. For 10 years.

11 Q. And what did you do before that?

12 A. I briefly did massage in a spa for about a  
13 year and a half. And before that I was a nanny, and  
14 before that I was in school.

15 Q. And I believe you said you studied  
16 psychology in school?

17 A. Correct.

18 Q. Did you graduate?

19 A. Yes.

20 Q. With a degree in psychology?

21 A. Yes.

22 Q. Where did you get training to be a massage  
23 therapist?

24 A. A school called Palm Beach Academy of  
25 Health and Beauty in Lake Park, Florida.

1 Q. And when did do you that?

2 A. That would have been, I believe, in 2003.

3 Q. And how long did you study there?

4 A. I think it was a six-month program.

5 Q. And you worked in a spa thereafter?

6 A. I did.

7 Q. What was the name of the spa again?

8 A. The Lane Spa in Palm Beach Gardens.

9 Q. And are you married?

10 A. No.

11 Q. Do you have children?

12 A. No.

13 Q. And how old are you now?

14 A. Thirty-six.

15 Q. Can you tell me about your first meeting  
16 with Ghislaine Maxwell?

17 A. Sure. I was sitting on a bench [REDACTED]  
[REDACTED] She approached me.

19 I was getting ready to go to a class. It was my  
20 junior year. Yes, it was the second semester of my  
21 junior year. And she and another woman approached  
22 me. The other woman didn't speak that I recall.

23 And she asked me about -- she had a house  
24 in Palm Beach, and she was looking for someone that  
25 she could hire to work at the house, where she could

1 Q. Ghislaine was not present when you were  
2 giving massages to Jeffrey, correct?

3 MS. McCAWLEY: Objection.

4 THE WITNESS: Correct.

5 BY MS. MENNINGER:

6 Q. At some point Jeffrey became more  
7 aggressive with you, correct?

8 A. Correct.

9 MS. McCAWLEY: Objection.

10 BY MS. MENNINGER:

11 Q. At what point was that?

12 A. In the last year.

13 Q. And what does that mean to you, "became  
14 more aggressive"?

15 A. He was pressuring me to do more than I was  
16 comfortable with doing.

17 Q. Is that what ultimately caused you to  
18 leave working for Jeffrey?

19 A. What caused me to leave was when it was  
20 made public what I was doing.

21 Q. What do you mean by that?

22 A. Well, after I had spoken with the police  
23 report -- the police and there was a police report,  
24 I did not realize that was public knowledge,  
25 journalists would get a hold of. So at one point



1 Q. How much?

2 A. One hundred dollars extra.

3 Can I clarify?

4 Q. Absolutely.

5 A. He didn't ever say he would pay me more,  
6 but when the massage was more than just a massage  
7 and it was sexual, then he would pay me more.

8 Q. It wasn't a discussion; it's just what  
9 happened?

10 A. Correct.

11 Q. Thank you for clarifying.

12 The things that took place with you and  
13 Jeffrey behind closed doors were when you were a  
14 consenting adult, correct?

15 A. Yes.

16 MS. McCAWLEY: Objection.

17 THE WITNESS: Correct.

18 BY MS. MENNINGER:

19 Q. And you did not have knowledge of what  
20 took place with other women behind closed doors and  
21 Jeffrey, correct?

22 MS. McCAWLEY: Objection.

23 THE WITNESS: Correct.

24 BY MS. MENNINGER:

25 Q. Do you recall giving an interview to a

1 expected to have sexual intercourse with Jeffrey?

2 A. Yes.

3 Q. And when was that?

4 A. 2005.

5 MS. McCAWLEY: That's it. I just do want  
6 to also put on the record that we're  
7 designating the testimony as confidential under  
8 the protective order.

9 F U R T H E R E X A M I N A T I O N

10 BY MS. MENNINGER:

11 Q. Okay. You just testified that you have  
12 knowledge -- you had knowledge that -- of what  
13 Jeffrey was doing behind closed doors with other  
14 girls. Was that your testimony?

15 A. Based on what he had told me.

16 Q. Okay. So Jeffrey told you things that he  
17 had done with other girls?

18 A. Yes.

19 Q. You did not observe any of those things?

20 A. No.

21 Q. You did not talk to any of those girls  
22 about what they had done with Jeffrey behind closed  
23 doors?

24 MS. McCAWLEY: Objection.

25

# **EXHIBIT E**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 1, 2016  
9:12 a.m.

C O N F I D E N T I A L

Deposition of JOHN ALESSI, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.

1 JOHN ALESSI

2 at 358 El Brillo Way; is that correct?

3 A. Yes.

4 Q. Now, when counsel for the Plaintiff was  
5 asking you questions, he kept referring to females  
6 as girls, okay?

7 A. Yes.

8 Q. So is it fair to say that other than [REDACTED]  
9 [REDACTED], you understood at the time that any of the  
10 massage therapists that were being -- giving  
11 massages at 358 El Brillo Way were over the age of  
12 18; is that correct?

13 MR. EDWARDS: Objection, argumentative,  
14 counsel testifying.

15 THE WITNESS: Most of them.

16 BY MR. PAGLIUSCA:

17 Q. Okay. And you talked a little bit about  
18 paying for massages. Now, as I understand it,  
19 people who were getting massages at 358 El Brillo  
20 Way were paid \$100 per massage; is that right?

21 A. That was -- everybody got \$100 an hour.

22 Q. Okay. And you never paid more than \$100  
23 to anyone who gave a massage, correct?

24 A. Not for one, but I paid more if they were  
25 four massages; I would pay \$400, \$500.

1 JOHN ALESSI

2 his equipment for yoga and exercising there. They  
3 have a treadmill, exercise equipment. They have a  
4 bathroom. And there was the pool.

5 And behind the pool was the lake, the  
6 Intracoastal lake, and we had a boat, a couple -- we  
7 had -- at one time we had those jet -- jet flows.

8 Q. Jet skis?

9 A. Jet skis. We had a couple of those. And  
10 that was it.

11 Q. Was the pool private?

12 A. Very much, yeah. It was no access to the  
13 street. There was no access -- no view from any  
14 neighbors or anything like that.

15 Q. Okay. You were asked some questions by  
16 Mr. Edwards about [REDACTED]; is that right?

17 A. Yes.

18 Q. To your knowledge, she was the only person  
19 at El Brillo that was under the age of 18?

20 A. To my knowledge, yes.

21 Q. Okay. And you recall seeing her with her  
22 mother at the house, correct?

23 A. The first couple of times, after, she came  
24 with her mother.

25 Q. And you don't ever recall her spending the

1 JOHN ALESSI

2 person; I recommend her to you?

3 A. Yes, he would give to me the number.

4 Q. And most of the people, I take it, were  
5 from these spas or clubs; is that right? Most of  
6 the massage people?

7 A. Yes.

8 Q. And do you know, did they have what I'll  
9 call regular day jobs at the spas, and then they  
10 would come into Mr. Epstein's after?

11 MR. EDWARDS: Objection, speculation.

12 THE WITNESS: I think so.

13 BY MR. PAGLIUSCA:

14 Q. Okay. And why do you think so?

15 A. Because they were working at the Breakers,  
16 and sometimes I have to get in touch with these  
17 people. I used to call -- have to call the Breakers  
18 or the Mar-a-Lago or the -- all the clubs. There be  
19 clubs, even in Boca Raton, the Boca Raton Resort and  
20 Hotel. They have a great spa. I had to call these  
21 people, Can you come in at 10:00 tonight?

22 Q. You would know they were working there  
23 because you would talk to them there?

24 A. Yes.

25 Q. I'm going to have you take a look at



# **EXHIBIT F**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,  
Plaintiff,

v.

GHISLAINE MAXWELL,  
Defendant.

\_\_\_\_\_/

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 1 of 2

Pages 1 - 157

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.  
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company  
B. Paul Katz Professional Center  
(SunTrust Building)  
One Florida Park Drive South  
Suite 214  
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR  
Florida Professional Reporter  
Court Reporter and Notary Public

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,  
Plaintiff,

v.

GHISLAINE MAXWELL,  
Defendant.

\_\_\_\_\_/

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 2 of 2

Pages 158 - 258

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.  
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company  
B. Paul Katz Professional Center  
(SunTrust Building)  
One Florida Park Drive South  
Suite 214  
Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR  
Florida Professional Reporter  
Court Reporter and Notary Public

1 Q Do you know her name?

2 A I think it was Carolyn -- Caroline,  
3 Carolyn -- I don't know -- something like that.

4 Q Did Jeffrey call you directly about  
5 getting more girls?

6 A Yes.

7 Q On the phone?

8 A Uh-huh (affirmative).

9 Q What did he say?

10 A He was just asking me if I had any other  
11 girls that wanted to come work.

12 Q Okay. Is that the term that he used?

13 A Yeah.

14 Q And did he pay -- he paid you personally?

15 A Yeah. He handed me \$200 for every girl  
16 that I walked in that door, whether they did stuff  
17 with him or not.

18 Q In cash?

19 A Cash.

20 Q Did you ever get paid by Ms. Maxwell for  
21 that?

22 A No.

23 Q Did you ever bring a girl to Ms. Maxwell?

24 A No.

25 Q Did Ms. Maxwell ever call you and ask you

1 to bring a girl to her?

2 A No.

3 Q Did Ms. Maxwell ever call you and ask you  
4 to bring a girl to Jeffrey?

5 A No.

6 Q All right. Approximately what period of  
7 time were you doing this bringing of girls?

8 A I'd say probably, like, about six months  
9 before she left. Because mainly, like I said, I  
10 mean, she would get them with Ms. Maxwell or whoever  
11 else. And whenever we were around, like I said, I  
12 would find friends that I went to school with or  
13 whatever that were willing to go there, so...

14 Q I'm sorry. What did you start that  
15 sentence with? She would get them from Ms. Maxwell?

16 A No. Her and Ms. Maxwell would go get them  
17 for him.

18 Q Did you see Virginia with Ms. Maxwell  
19 at --

20 A I had never. Like I said, aside from  
21 going to the mansion, I had never went out with them  
22 anywhere. I've never been out to clubbing with  
23 them. I've never been to New York or anything. I  
24 never went on any trips with them. So anything that  
25 happened, I was not there for, so...

1       happen, so...

2               Q       Well, you said you observed bringing a  
3       girl over.

4               A       No. I'm just saying -- like, I brought  
5       them over, yes. But I have never observed anything,  
6       like, sexual. Never anything --

7               Q       Okay.

8               A       -- like to where it would be an illegal  
9       activity. Like, any time I was there, everybody was  
10      dressed. They were all talking like it was just,  
11      like, people hanging out in a room, you know what I  
12      mean? There was never anything going on when I was  
13      there, so...

14              Q       Do you have any personal knowledge as to  
15      whether anything other than a massage took place  
16      between Jeffrey and these girls?

17                      MR. EDWARDS:   Form.

18              A       No.

19      BY MS. MENNINGER:

20              Q       You did not see anything?

21              A       Nope.

22              Q       They didn't tell you afterwards anything  
23      happened?

24              A       Nope. Like I said, the only people  
25      with -- some would ask to go back; some wouldn't.

1 Q Right?

2 A Yes.

3 Q But you did not observe that?

4 A No.

5 Q Ms. Roberts described sexual acts that she  
6 participated in with Jeffrey; correct?

7 A Yes.

8 Q And you did not observe that?

9 A No.

10 Q Ms. Roberts described sexual acts she  
11 participated in with Ms. Maxwell; correct?

12 A Yes.

13 Q You did not observe that?

14 A No.

15 Q When you saw Ms. Roberts and Ms. Maxwell  
16 in the same room, was there anything sexual going on  
17 between them?

18 A No.

19 Q How much money did you see Ms. Roberts  
20 possessing at any given time?

21 A I mean, it could of -- up to a couple  
22 thousand at a time to, like, just a few hundreds at  
23 a time. I mean, it was never like, overly amounts.  
24 Like, not like \$10,000, \$20,000, nothing like that.  
25 But, I mean, it was every time she would come back,



1 Q It pays better than the vet office?

2 A Yeah.

3 MR. EDWARDS: Object to the form.

4 BY MS. MENNINGER:

5 Q The information about other girls going  
6 back to Jeffrey without you was information you  
7 heard thirdhand --

8 A Yes.

9 Q -- correct?

10 Did you have conversations with these  
11 girls about their ages?

12 A The ones that I took?

13 Q The two, [REDACTED] and Carolyn.

14 A No. They were my age. That's what I'm  
15 saying, they were literally at -- at most, like, a  
16 year younger than me.

17 Q The girls that you were in the car when  
18 Virginia took --

19 A Those, I did not even ask.

20 Q You did not ask?

21 A No.

22 Q Did you hear her discussing anything about  
23 age with them?

24 A No.

25 Q Did you hear them discussing you have to

# **EXHIBIT H**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE: 15-cv-07433-RWS

VIRGINIA GIUFFRE,  
Plaintiff,

v.

GHISLAINE MAXWELL,  
Defendant.

\_\_\_\_\_/

VIDEOTAPED DEPOSITION OF TONY FIGUEROA

Volume 1 of 2

Pages 1 - 157

Taken at the Instance of the Defendant

DATE: Friday, June 24, 2016

TIME: Commenced: 8:59 a.m.  
Concluded: 1:22 p.m.

PLACE: Southern Reporting Company  
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Palm Coast, Florida 32137

REPORTED BY: LEANNE W. FITZGERALD, FPR  
Florida Professional Reporter  
Court Reporter and Notary Public

1 Q You didn't know her to work at any retail  
2 places?

3 A Not that I'm aware of.

4 Q Do you recall her working as a waitress?

5 A I believe so, yes.

6 Q When was that?

7 A I don't know the exact date.

8 Q Was it while you-all were dating?

9 A I'm pretty -- it might have been, yes.

10 Q Did you ever go to her restaurant?

11 A No. I did not have a car.

12 Q Did Ms. Roberts have a car?

13 A She did, yeah.

14 Q What kind of car did she have?

15 A It was a -- I'm pretty sure it was a  
16 white -- a white Pontiac, I think it was, at first.

17 Q Like a '93?

18 A Yeah, I think so. And then she ended up  
19 buying a truck.

20 Q When did she buy the truck?

21 A It was a little bit before she left, but  
22 not too long.

23 Q What kind of truck?

24 A It was a Dodge Dakota extended cab.

25 Q Do you know what happened to that when she

1 did not come back from Thailand?

2 A Yeah. I ended up getting in some trouble  
3 with it, and I got it impounded. And her dad got  
4 it, I guess, because I obviously couldn't.

5 Q What kind of trouble did you get into with  
6 that truck?

7 A I ended up getting arrested for grand  
8 theft. I ended up taking a bunch of Xanax and  
9 stealing a bunch of stuff on the way back from  
10 dropping her off at the airport to go to Thailand.

11 Q In that -- in that --

12 A In that truck, yes.

13 Q Okay. How was that case resolved?

14 A I ended up getting charged with a felony.  
15 And, I mean, I got my rights back, like, last year,  
16 so...

17 Q Great.

18 Did you have to serve any time?

19 A I did. I went to jail for -- I'm not  
20 exactly sure. But then I was on probation for a  
21 long time, so...

22 Q And that all stemmed from an incident  
23 where you were driving Ms. Roberts' truck?

24 A That was the exact -- when I was dropping  
25 her off at Thailand -- or to the airport to go to

1 Thailand -- in Miami. And it was literally that  
2 night. I made it back to West Palm and then got  
3 caught in West Palm and woke up in jail.

4 Q Was that truck in her name?

5 A That, I'm not sure.

6 Q Were you with her when she got the truck?

7 A Together as in her boyfriend? Or with her  
8 when she bought it?

9 Q With her when she bought it.

10 A No.

11 Q You were her boyfriend?

12 A Yeah, I was. But I was not there when she  
13 got the truck. I mean, I don't even know when it  
14 was, but I know she bought it, though.

15 Q Was it new or used?

16 A No, it was not new. I believe it was a  
17 few years old. I'm not positive. But it was a  
18 while ago, so, I mean, that kind of an old truck  
19 is -- I mean, I'm not sure exactly if it was new  
20 then or not, you know.

21 Q Got it.

22 At the time she left for Thailand, she had  
23 the Dodge Dakota, and you did not have a vehicle?

24 A Yeah.

25 Q Before the Dodge Dakota, she was driving a

1 Q Was it one event or more than one event?

2 A I'm positive it was more than one.

3 Q Why do you say that?

4 A Because they were always with each other.

5 Like, any time she would talk to me about them going  
6 to do stuff, it was with her and Ms. Maxwell. Like,  
7 they were always out, like, trying to get girls and  
8 whatnot.

9 Q Okay. Did you ever participate in getting  
10 girls?

11 A Yes. But...

12 Q Tell me what you mean. What did you do?  
13 When you say 'get girls,' what do you mean?

14 A Pretty much I got some of my friends that  
15 I knew, because Virginia was looking for other girls  
16 to go over there, because Jeffrey was giving us \$200  
17 apiece for every one that we brought over. And  
18 I'll -- pretty much I would get friends that I went  
19 to school with, and I would take them over there and  
20 introduce them, and then I would just leave.

21 Q What did you tell them they were going to  
22 do?

23 A A masseuse, like, and then I told them --  
24 I was, like, "Now, listen." I was, like, "I'm  
25 letting you know I don't know what he's going to ask



1       you to do. But, you know, he obviously has money  
2       willing to pay for stuff. So whatever happens, I  
3       don't." You know, I don't know. I've never been up  
4       there. I've never seen what happens up there.

5                You know, I -- you know. But as far as I  
6       told them, it was just a masseuse job.

7                But any time someone: Oh, you're going to  
8       be a masseuse, like, they always jump to the  
9       conclusion, you know, happy endings, blah, blah,  
10      blah, blah, you know, so...

11           Q     You never had any direct conversations  
12      with these girls?

13           A     No. I never asked them what had happened,  
14      ever.

15           Q     What are the names of some of these girls  
16      that you remember?

17           A     I remember taking [REDACTED]  
18      [phonetic]. And I know she ended up bringing some  
19      other girls, also.

20                But we met this other girl -- well, it was  
21      actually her boyfriend we met. I met him -- I think  
22      it was at Gold Coast or South Area. It was one of  
23      those schools that I met him at. And his girlfriend  
24      ended up working for him, also. And I think she got  
25      more girls for him, as well.

1 Q Do you know her name?

2 A I think it was Carolyn -- Caroline,  
3 Carolyn -- I don't know -- something like that.

4 Q Did Jeffrey call you directly about  
5 getting more girls?

6 A Yes.

7 Q On the phone?

8 A Uh-huh (affirmative).

9 Q What did he say?

10 A He was just asking me if I had any other  
11 girls that wanted to come work.

12 Q Okay. Is that the term that he used?

13 A Yeah.

14 Q And did he pay -- he paid you personally?

15 A Yeah. He handed me \$200 for every girl  
16 that I walked in that door, whether they did stuff  
17 with him or not.

18 Q In cash?

19 A Cash.

20 Q Did you ever get paid by Ms. Maxwell for  
21 that?

22 A No.

23 Q Did you ever bring a girl to Ms. Maxwell?

24 A No.

25 Q Did Ms. Maxwell ever call you and ask you

1 to bring a girl to her?

2 A No.

3 Q Did Ms. Maxwell ever call you and ask you  
4 to bring a girl to Jeffrey?

5 A No.

6 Q All right. Approximately what period of  
7 time were you doing this bringing of girls?

8 A I'd say probably, like, about six months  
9 before she left. Because mainly, like I said, I  
10 mean, she would get them with Ms. Maxwell or whoever  
11 else. And whenever we were around, like I said, I  
12 would find friends that I went to school with or  
13 whatever that were willing to go there, so...

14 Q I'm sorry. What did you start that  
15 sentence with? She would get them from Ms. Maxwell?

16 A No. Her and Ms. Maxwell would go get them  
17 for him.

18 Q Did you see Virginia with Ms. Maxwell  
19 at --

20 A I had never. Like I said, aside from  
21 going to the mansion, I had never went out with them  
22 anywhere. I've never been out to clubbing with  
23 them. I've never been to New York or anything. I  
24 never went on any trips with them. So anything that  
25 happened, I was not there for, so...

1 Q What drugs had you seen Ms. Roberts use?

2 MR. EDWARDS: Object to the form.

3 A Weed, coke, bars, Xanax -- which are bars,  
4 obviously. I mean, that's mainly what we were  
5 doing. I mean, we tripped a couple of times.

6 BY MS. MENNINGER:

7 Q Tripped on what?

8 A Acid.

9 Q Was there ecstasy?

10 A I mean, honestly, I really was not too big  
11 into ecstasy. But back then, I mean, a lot of the  
12 nights could have been with some, and just I don't  
13 remember. I mean, that's a good possibility. I  
14 used to get pretty messed up myself, so...

15 Q How frequently did you see Ms. Roberts  
16 using cocaine?

17 A Not very --

18 MR. EDWARDS: Object to the form.

19 A -- often at all, actually.

20 BY MS. MENNINGER:

21 Q How often did you see her using weed?

22 A That -- that, we did, like, daily.

23 Q What money was used to purchase the weed,  
24 if you know?

25 A I pretty much bought that myself. Like, I

1 always smoked weed, and I always had my own, so...

2 Q And where did you get your money at that  
3 time?

4 A What's that?

5 Q Where were you getting your money at that  
6 time?

7 A I was actually working at Denny's at the  
8 time before she started -- before I met her. I was  
9 a cook.

10 Q After you met her, did you stop working at  
11 Denny's?

12 A Yeah, I did stop working there. But then  
13 I ended up getting a job at Dunkin' Donuts  
14 eventually, and just bouncing around from different  
15 places and...

16 Q Were you living off of her money?

17 A Somewhat, yes.

18 Q She was paying the rent?

19 A Uh-huh (affirmative).

20 Q Yes or no?

21 A Yes. Sorry.

22 Q You made your own purchases of weed?

23 A Uh-huh (affirmative).

24 Q You --

25 A Yeah. My neighbor actually across the

1 street from me, he used to -- he was my guy I got my  
2 weed from. So he would just always, "Here you go."

3 Q How often did you see Ms. Roberts taking  
4 Xanax?

5 A Not very often. And then -- I mean, but  
6 the thing about Xanax is, like, you don't remember  
7 much. So whenever it was, obviously, I was taking  
8 it, too. So I couldn't exactly recall the amounts  
9 of times, you know.

10 Q So the two of you took Xanax together?

11 A Yeah.

12 Q And your experience is that when you were  
13 taking Xanax, you can't remember things that well?

14 A Yeah.

15 Q Did you ever observe her taking up to  
16 eight Xanax per day?

17 A That, I'm not exactly sure on the number,  
18 so I don't know.

19 Q Did you observe her under the influence of  
20 any drugs?

21 A Yeah. Like I said, whenever we took them  
22 together. When she was off doing her own thing with  
23 them, I have no clue what they were doing.

24 Q Do you know whether Jeffrey wanted her to  
25 use drugs or did not want her to use drugs, or

1 anything about it?

2 A I don't know. I know he didn't do  
3 anything. But I don't know what he told her not to  
4 do or do, so...

5 Q Did you have any concerns, since she had  
6 been in a rehabilitation program, before about her  
7 drug use?

8 A No. Because as I stated before, I was not  
9 exactly a standup guy back then either. So I was  
10 not really the best person to get advice from. You  
11 know, I was kind of doing the same stuff and getting  
12 in trouble. So I was not really trying to tell  
13 people how to live their life, you know?

14 Q Is it fair to say you were both partying  
15 together?

16 A Yes.

17 Q You had parties at your apartment?

18 A Yeah.

19 Q People came over?

20 A Yeah.

21 Q You bought and supplied drugs for those  
22 people?

23 A Yeah.

24 Q They came over to your house specifically  
25 to party?



1 MR. EDWARDS: Object to the form.

2 A Um, no. Because they were my friends. I  
3 mean, they would hang out just to play video games,  
4 you know. It was just sometimes it got wild,  
5 sometimes it didn't. You know, sometimes we were  
6 all just chilling, smoking; sometimes we weren't.  
7 You know, it's just, like, it just all depended on  
8 who was there and what was going on at the time. It  
9 was not like we always had random people just  
10 showing up at the apartment. It was always pretty  
11 much, like, the same group of people that would come  
12 over.

13 Because that guy Anthony, he actually was  
14 staying in the apartment across from us with, I  
15 believe -- I can't remember these two brothers'  
16 names. But there was them over there, and then  
17 there was -- damn, I can't remember their names.  
18 But there was two brothers that lived there. Them  
19 two, Anthony, my friend Mario. Like, it was just  
20 pretty much the same people that always would just  
21 come over and just, you know, hang out and chill.  
22 My friend Wes.

23 Q Anthony was living in an apartment in the  
24 same complex?

25 A Yeah.

# **EXHIBIT D**

To: Marianne Strong[mariannestrong@stronglit.com]  
From: Virginia Giuffre  
Sent: Fri 2/21/2014 1:17:22 PM  
Importance: Normal  
Subject: Re: NYC Post Inquiry re: Jeffrey Epstein  
Received: Fri 2/21/2014 1:17:22 PM

Dearest marianne,

While all of this information would be great to have brought to light, it is in no favour or intention for me to put myself and story out there for nothing. I w contact Brad Edwards to see if he would still like to do a piece with Emily, and maybe even later down the track, when all is said and done there just might be a helluva piece for the page 6.

God Bless you and yours...Take Care,  
Jenna

On Thursday, 20 February 2014 4:16 PM, Marianne Strong <mariannestrong@stronglit.com> wrote:  
Dear Jenna –

While I believe that your Jeffrey Epstein exposé has tremendous merit, the only role that we can play is one where we are not recompensed unless we are hired to do Public Relations and make a story happen at some later point.

Lord Colin Campbell and I do have huge respect for his countrywoman, the English-born Emily Smith. Colin is Scottish as his nephew is the Duke of Argyll, one of Scotland's primary, noble families.

Today Emily is one of the most noted, plus influential columnists in the United States, and yes, she is a friend of mine. We can pop off an arresting column item as a favor to her – if indeed the item is applicable for Page Six? But it must have true gravitas.

No money changes hands in such a news release to a publication! If it helps, have your attorney write a suggested column-oriented item re your case and if it's written in 'journalistic style,' Colin and I can pop it off to Emily, as a possible piece f her renowned Page Six column. It's called 'pure favor time' to Emily from the owner of the item, plus the press person wh may or may not elect to pop it into print.

I certainly do feel that down the long, winding road, your case has merit! God willing that it puts that piece of human scum back behind bars! Should you win the day, yes, I do believe that you can create a mighty manifesto on prostitution as it exists in the U.S.A. in the years leading up to 2014 – one that has real literary possibilities. If you win the case, contact us and perhaps we can get it printed in a N.Y.C. newspaper? If you lose, a press release has nothing favorable for you, obviously, and should be avoided.

Good luck and God Bless,  
Marianne Strong

On Wed, Feb 19, 2014 at 4:09 PM, Virginia Giuffre [REDACTED] wrote:

Hi Marianne,

I hope you have been well since our last conversation, we have been enjoying the amazing pre-spring heat here in Florida, I hope you do visit soon the weather is absolutely splendid this year and it would be finally nice to meet you in person with so much we already know about each other and hopefull more to come!!

About the NYC Post, as you already know I have an extremely informative piece of the recent proceedings to tell both truth and justice as well as the past history of the ill-esteemed billionaire and registered sex offender, Jeffrey Epstein, that I unfortunately served four years as his personal and abused sex slave to, most of those years underage, and trust me I would like nothing more than the world to know all about the inequality of the government to act appropriately and violate our rights as victims by giving Jeffrey Epstein a plea bargain and immunity to only take accreditation for one account of the sensitive subject of procuring us underage girls for the usage of prostitution internationally to some of the world's most influential people. But with that comes a lot of responsibility for me to consider or "my neck on the line too" so to speak. Even though there is over forty women that were once vulnerable girls that looked like the "sweet girl next door" but now that they have been taken advantage of by this "disgusting wall street tyrant" most of them have led a very unhealthy lifestyle since having served Jeffrey, such as drug addictions and prostitution and do not hold accreditation to talk...according to Jeffrey and his team of minion lawyers. Miraculously since I came to light with the truth and speaking out against him in 2011, the

FBI have reopened the case which as you know has current proceedings in which I am involved in. There are many branches that lead out on this incredibly taunting story of perversion of the governmental system and the one's that seem to fly above the law. I am not giving up or giving in this to me is something I must do to break a large chain of serial sex abuse happening for too long now.

We have spoken in great deal about what kind of piece you would like to present to the NYC Post but we haven't spoken about any contract of any sort and I do need to know as much as you and the Post do, that we will all be "legally" okay bringing out this story as long as everything that is printed is 100% factual and prove worthy.

There is also another major paper that has followed the story for a while and has worked with me before, they're asking me again for the exclusive story but updated and obviously the end outcome from the judicial decision. I have held out because you told me about your contact Emily with the NYC Post and I appreciate you trying to make big headlines for the story and hopefully one day the book... plus I just like working with someone I can somewhat trust, which is a rare find in this world! But if they're selling something this headline worthy and going to sell many papers and not to mention the "online" inputs, I would also like to know that I am going to profit from this as well.

If the NYC Post can agree to arrange a reasonable contract, above the competitors offer, then I will be able to give you all of the factual information that would give your mate Emily a great piece that I know is proceeding to be a rarity in the justice system, as well as being so rare of an atrocity, a new article pertaining to Jeffrey, has just been written into state law, which I also have a copy of.

I look forward to your response and hopefully more to come. Call me if needed. [REDACTED]

All the best,  
Jenna

--

Marianne Strong  
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The Marianne Strong Literary Agency has represented writers of quality fiction and non-fiction since 1978. Located on Manhattan's Upper East Side, the agency seeks to aid writers in the publication of works which advance the national conversation on matters of politics, economics, health, religion, and art.

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_ /

**RESPONSE IN OPPOSITION TO MOTION TO INTERVENE (DE 362)**

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## I. INTRODUCTION

The Court has before it a request from a non-party (Alan Dershowitz) to intervene in this case for the purpose of extracting and publicizing several emails and a draft manuscript from the Protective Order that has long been entered in this case. Dershowitz does not seek public access of these documents for the legitimate purpose of informing the public on this Court's adjudication of its Article III powers. Instead, Dershowitz make clear that his purpose is to advance his own agenda, and continue to wage his media war on Ms. Giuffre, as he has already appeared on national news calling her a "prostitute" and a "bad mother."<sup>1</sup> This is not the typical intervention case where a non-party seeks documents it lacks access to, or where a news organization seeks to inform the public on court proceedings. Here, Alan Dershowitz seeks to inject himself into this litigation for the wrongful purpose of conducting a public smear campaign of Ms. Giuffre. He has no interests beyond his own. And, he has already violated another court order directing him to stop wrongfully leaking confidential information to the media. Unsurprisingly, Dershowitz's motion fails to cite a single case in which a court granted a non-party, who already possessed the sealed documents in dispute, the right to freely disseminate those documents in the public domain for self-serving purposes.

His motion for permissive intervention is committed to the discretion of the Court, and the Court should deny it. Fed. R. Civ. P. 24(b)(3); *Liz Claiborne, Inc. v. Mademoiselle Knitwear, Inc.*, 1996 WL 346352, at \*4 (S.D.N.Y. June 26, 1996) (Sweet, J.) (denying leave to intervene); *Levin v. U.S.*, 633 Fed. Appx. 69, 70 (2nd Cir. 2016) (affirming denial of motion to intervene, "[b]ecause of the fact-intensive nature of an intervention decision, we review for 'abuse of discretion' a district court's order denying intervention . . . by permission.")

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<sup>1</sup> McCawley Dec. at Exhibit 1, Local 10 News, January 22, 2015.

Indeed, the documents in question could hardly “confirm his absolute innocence.” DE 364 at 1. The documents do not directly bear on Ms. Giuffre’s sworn and detailed statements about how Dershowitz sexually abused her, statements that are corroborated by a mountain of supporting evidence.<sup>2</sup> Instead, according to Dershowitz, these materials create some sort of a web of circumstantial inferences suggesting his innocence. His attenuated reasoning hardly provides the kind of compelling reason needed to pierce the Protective Order. Instead, Dershowitz seeks these documents for the primary purpose of conducting a media blitz against Ms. Giuffre in advance of trial – clearly to assist his joint defense partner, Defendant Maxwell, by poisoning the jury pool in this case.

Dershowitz has no legal basis for his request. The documents in questions are not judicial documents, and thus neither a First Amendment nor common law right of access applies. Moreover, both the parties in this case have long reasonably relied on the existing Protective Order. Under that order, numerous documents involving child sex abuse and other sensitive subjects have been placed under seal. If Dershowitz is permitted to cherry pick the documents that he finds favorable and extract them from the protective order to serve his purposes, it would seem only fair that Ms. Giuffre be permitted to lift the protective order from currently-confidential documents and testimony in the court file which would support her position.

This Court entered the Protective Order “upon a showing of good cause.” Dershowitz is not a party to this litigation and provides no sound reason for modification. Accordingly, this Court should deny Dershowitz’s motion in its entirety.

---

<sup>2</sup> As an overview, Dershowitz, who touted Epstein as a close friend, flew on Jeffrey Epstein’s private jet 15 times from 1996 through 2006, which was during the time period that Jeffrey was actively assaulting a number of minor children. Twice Dershowitz flew with Sarah Kellen, who was Defendant’s right hand recruiter of these underage girls. McCawley Dec at 2, Dershowitz Flights. While Dershowitz said he was “never” in the places where Virginia was during the period of 2000 – 2002, public records directly contradict this statement and show that he actually had an apartment in New York not far from Epstein’s home for a year from 2000 – 2001. McCawley Dec. at 3. While there is mounting evidence to support Ms. Giuffre’s allegations of Dershowitz’s involvement, that issue is not something the Court needs to decide because this case is about Defendant Maxwell’s conduct, not Dershowitz.

## II. FACTUAL AND PROCEDURAL BACKGROUND

### A. Abundant Evidence Supports Ms. Giuffre's Sworn Testimony That Alan Dershowitz Sexually Abused Her

Dershowitz says he needs to see several documents because they will somehow “demonstrate that the allegations of sexual misconduct . . . are nothing more than a recent fabrication . . .” DE 364 at 2. To the contrary, they will in no way prove the allegations are a “fabrication,” given the mountain of evidence supporting Ms. Giuffre's sworn testimony.

Ms. Giuffre has not made vague assertions, but described in detail what Dershowitz did to her and where.<sup>3</sup> In response to Ms. Giuffre's sworn testimony, Dershowitz does not argue that any witnesses will be able to prove his innocence. Instead, he tries to build a circumstantial case that he could not have committed the sexual abuse. Dershowitz now claims, for example, that at the time of the abuse, he was merely “acquainted with Mr. Epstein through academic events . . .” DE 364 at 4.<sup>4</sup> But in 2005 (before news of Epstein's criminal prosecution broke), Dershowitz stated “I'm on my 20th book . . . The only person outside of my immediate family that I send drafts to is Jeffrey.”<sup>5</sup> Dershowitz has also been quoted as saying that, even if Epstein went bankrupt, “I would be as interested in him as a friend if we had hamburgers on the boardwalk in Coney Island and talked about his ideas.”<sup>6</sup>

Dershowitz also claims that he never saw “Epstein in the presence of underage girls.” DE 364 at 3.<sup>7</sup> This lack of observation is remarkable given that Epstein brazenly and repeatedly

<sup>3</sup> *Id.* at 88-91, McCawley Dec at Exhibit 4, describing Dershowitz's abuse of her in Epstein's New York mansion.

<sup>4</sup> In earlier media statements, Dershowitz took an even more extreme position, stating that “I have never been alone with . . . Jeffrey Epstein.” UMAR News, Jan. 5, 2015. <https://www.youtube.com/watch?v=KXzcxsQv7Q>. And yet (among other occasions), a flight log shows Epstein and Dershowitz traveling together—alone.

<sup>5</sup> *The Talented Mr. Epstein*, by Vicky Ward, in *Vanity Fair* (Jan. 2005).

<sup>6</sup> *Vanity Fair Reminds Us When Jeffrey Epstein Wasn't a Creep*, by Ray Gustini, in *The Wire* (June 21, 2011).

<sup>7</sup> While Dershowitz swore under oath that he never saw any naked photos at Epstein's Palm Beach mansion, the recently released video taken by the Palm Beach Police department during its investigation, reveals naked photos in a number of the common areas of Epstein's Palm Beach home. McCawley Dec. at Exhibit 5.

abused numerous underage girls in his Florida mansion, his New York mansion, and several other places that Dershowitz apparently admits he visited on multiple occasions.

In 2009, one of Epstein's household employees, Juan Alessi, testified about the parade of young "massage therapists" entering Epstein's Palm Beach mansion, and that Ms. Giuffre was one of the girls who came to Epstein's mansion.<sup>8</sup> Alessi also saw many celebrities came to the Florida mansion, including "*a very famous lawyer that I'm sure you know, Alan Dershowitz.*" *Id.* at 70:9-25. Alessi testified that Dershowitz came to the mansion "*pretty often . . . at least four or five times a year*" and would stay overnight "*two [or] three days.*" *Id.* at 73:22-25. Ms. Giuffre came to the house when Dershowitz was there. *Id.* at 73:18-20. And, importantly, Dershowitz got massages while he was visiting Epstein's home. *Id.* at 74:1-4.<sup>9</sup> The private, upstairs room where Dershowitz got his "massages" was the room where Defendant Maxwell had "a laundry basket . . . full of those toys." *Id.* at 76:11-15.

In 2009, Epstein's butler, Alfredo Rodriguez, testified that Dershowitz was at Epstein's mansion when underage girls were there to give massages.<sup>10</sup> Rodriguez also testified that Dershowitz was present alone at the home of Jeffery Epstein, without his family, in the presence of young girls.<sup>11</sup> It also appears that Rodriguez would later circle Dershowitz's name in Epstein's address book as among the people with important information for the FBI to collect regarding sex trafficking. In addition, Sarah Kellen, Nadia Marcinkova, and Adrianna Mucinska all

<sup>8</sup> Juan Alessi Depo. at 46:21- 47:4, 48:18-25, *Jane Doe No. 2 v. Epstein*, No. 9:08-cv-80119-cv-KAM (S.D. Fla. Sept. 8, 2009), McCawley Dec at Exhibit 6.

<sup>9</sup> While Dershowitz loudly proclaimed to the media that he had "never" received a massage at Jeffrey Epstein's home, he later retracted that knowingly false statement and admitted to having a massage. McCawley Dec at Exhibit 7.

<sup>10</sup> Alfredo Rodriguez Depo. at 278:13-25, 279:9-280:2, *Jane Doe No. 2 v. Epstein* (excerpts attached as Exhibit 8).

<sup>11</sup> *Id.* at 199:12-13, 279:9-12, 426:16-25, 427:1.

implicated Dershowitz by invoking their Fifth Amendment right against self-incrimination<sup>12</sup> when asked questions about Dershowitz's connection to Epstein's abuse, including a specific question about whether Dershowitz had been involved with massages by young girls. McCawley Dec., Composite Ex. 9.<sup>13</sup>

Finally, in Dershowitz's vociferous attacks on Ms. Giuffre here, the Court will see an eerie parallel to the Jeffrey Epstein criminal investigation. Back in 2005, when the Palm Beach Police Department was first investigating Epstein's sexual abuse, the Department accumulated overwhelming evidence placing underage girls at Epstein's residence who gave statements that they were being sexually abused, the accounts bearing chillingly similar details. As he did to Ms. Giuffre, Dershowitz called those girls liars and defamed them as prostitutes,<sup>14</sup> in an effort to convince the State Attorney that these girls could not even believably establish that they had ever even gone to Epstein's mansion. Later, Dershowitz would remarkably write to tell the Justice Department that "Epstein never targeted minors."

#### **B. The Litigation Involving Dershowitz - The Florida Defamation Case<sup>15</sup>**

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<sup>12</sup> In a civil proceeding such as this one, Ms. Giuffre is entitled to an inference in her favor when a witness takes the Fifth Amendment rather than answer a relevant question where that witness is associated with the other side of the case or otherwise in an adverse position to the victims. *LiButti v. United States*, 107 F.3d 110, 124 (2d Cir. 1997).

<sup>13</sup> Dershowitz also refers to an "investigation" he paid for by former FBI Director Louis Freeh in an effort to proclaim his innocence. DE 364 at 5. Interestingly, while Dershowitz has provided a one-paragraph summary of the investigation to the press, he has not chosen to make the specifics of the investigation public, including what Freeh learned about Defendant Maxwell's involvement in Jeffrey Epstein's sex trafficking organization.

<sup>14</sup> "How Alan Dershowitz Bullied Rape Victims to Protect a Serial Child Molester," by Rania Khalek, January 10, 2015, <https://electronicintifada.net/blogs/rania-khalek/how-alan-dershowitz-bullied-rape-victims-protect-serial-child-molester>; see also McCawley Dec. at Exhibit 10, Recarey Dep. Tr. at 109:13-110:3 ("Q. What -- what types of persuasions did Alan DERSHOWITZ use in an attempt to dissuade the prosecution of Alan DERSHOWITZ [sic] or his associates? THE WITNESS: Let's see. He not only had -- when they went out and badgered the victims, they went through all social media, found photographs of these victims either holding an alcoholic beverage and calling them -- you see they're not saints. You know, they're consuming alcohol under the age of 21. Basically trying to dirty the victim as much as possible.")

<sup>15</sup> Dershowitz says that he "loudly" proclaimed his innocence, but he also attacked Professor Cassell and Ms. Edwards. Dershowitz also repeatedly and publicly attacked Ms. Giuffre, as discussed at greater length below. At no point did Cassell and Edwards ever agree that their client, Ms. Giuffre, was mistaken in her allegations against Dershowitz. See generally, Cassell Dec.



Dershowitz also misleadingly describes the Florida defamation action<sup>16</sup> between himself and Cassell and Edwards. Remarkably, Dershowitz fails to note that same documents he seeks here (to use in the next installment of his media campaign) are the *exact type of documents* that Judge Lynch quashed from Dershowitz's subpoena he served on Ms. Giuffre in the Florida Action. In short, a judge has already ruled that Dershowitz should be denied access to these documents. This baseless motion is nothing more than an attempt to make an end-run around Judge Lynch's Order, by coming to *this* Court, and asking for what he was denied by another court.

Indeed, Dershowitz fails to reveal three significant facts to this Court. First, Dershowitz fails to reveal to this Court is that he has already been sharply rebuked by a Florida judge for his efforts to take confidential materials to the media. Second, Dershowitz fails to tell this Court that the *only* ongoing component to his Florida Action concerns sanctions *against him* for violating that Court's Order by his continuing to reveal confidential materials.<sup>17</sup> Third, Dershowitz fails to tell this Court that the judge in the Florida Action already denied his request to access these materials.<sup>18</sup> The parties to the Florida Action have settled all claims. Accordingly, there is no "compelling need" to reveal these documents to the media as they are wholly immaterial to whether Dershowitz should be sanctioned for violating Judge Lynch's order, as it pertained to non-party Ms. Giuffre. In other words, the content of these confidential documents has no bearing on the disposition of the Florida Appeal, and Dershowitz cannot claim otherwise.

Ms. Giuffre was not a party to the litigation between the attorneys in the Florida Action. During the course of the litigation, however, Dershowitz subpoenaed discovery from Ms.

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<sup>16</sup> *Edwards and Cassell v. Dershowitz*, Case No. CACE 15-000072, in the Circuit Court of the 17th Judicial circuit in and for Broward County, Florida (the "Florida Action"), presided over by Judge Lynch.

<sup>17</sup> McCawley Dec. at Exhibit 11, June 2, 2016 Notice of Appeal.

<sup>18</sup> McCawley Dec. at Exhibit 12, November 12, 2015 Order on Motion to Quash.

Giuffre. In particular, Dershowitz sought to obtain from Ms. Giuffre (a non-party to the action) all of her emails with the media. The Court granted in part Ms. Giuffre's Motion to Quash and, among other things, denied Dershowitz's discovery request relating to communications with media and denied Dershowitz's request for "manuscripts or writings."<sup>19</sup> Dershowitz produced many documents in the course of discovery in that case – ironically, documents that he quickly placed under a protective order in Florida. *Id.*

Dershowitz claims that the Churcher email somehow exonerates him, but the brief mention does no such thing. Indeed, while asserting that there is no "proof" that Dershowitz is a pedophile, Ms. Churcher also stated that "[w]e all suspect Alan is a pedo[phile]."<sup>20 21</sup> Similarly, Dershowitz believes that an excerpt from Ms. Giuffre's manuscript she was somehow suggests his innocence, even though the passage in question recounts Dershowitz intruding on Epstein while he was sexually abusing Ms. Giuffre. DE 364 at 9. Apparently Dershowitz believes that because he is not described more often and prominently in the manuscript, that is proof of her

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<sup>19</sup> Judge Lynch Quashed discovery from non-party Virginia Giuffre on the Following: (1) Request 9 – "All documents concerning any communications by Jane Doe #3 or on Jane Doe #3's behalf with any media outlet concerning Dershowitz or the Federal Action whether or not such communications were "on the record" or "off the record;" (2) Request 17 "All documents concerning any actual or potential book, television or movie contracts or deals concerning Jane Doe #3's allegations about being a sex slave;" (3) Request 18 "All documents concerning any monetary payments or other consideration received by Jane Doe #3 from any media outlet in exchange for her statements whether 'on the record' or 'off the record' regarding Epstein, Dershowitz, Prince Andrew, Duke of York, and/or being a sex slave;" (4) Request 20 "All documents showing any payments or remuneration of any kind made by Epstein or any of his agents or associates to you from January 1, 1999 through December 31, 2002;" and (4) Request 23: "All manuscripts and/or other writings whether published or unpublished, created in whole or in part by Jane Doe #3 concerning Epstein and any of his agents or associates."

<sup>20</sup> Dershowitz asserts that before this May 11, 2011, email was sent by Ms. Churcher, that Ms. Giuffre "did not in any way accuse Professor Dershowitz of sexual abuse . . . ." DE 364 at 9-10. But the support for this assertion appears to be a statement from Asst. U.S. Attorney Jeff Sloman that Dershowitz's name had not come up in 2006 to 2008 when Dershowitz was helping to negotiate Jeffrey Epstein's plea deal. Dershowitz Dec., ¶ 5 (referring to unnamed Asst. U.S. Attorney). However, because of Dershowitz's penchant for twisting words, Mr. Sloman has sent a corrective note that he left the U.S. Attorney's Office in 2008 and does not know what the investigation of Epstein revealed after that time. Also, Dershowitz does not recount in his statement of facts that in March 2011, two months before Ms. Churcher sent the email in question to Ms. Giuffre, Ms. Giuffre had told attorney Jack Scarola in a recorded interview that Dershowitz has relevant information about Epstein's sexual abuse.

<sup>21</sup> Dershowitz wrongly suggests to this Court that Ms. Giuffre answered questions incorrectly in her deposition. Ms. Giuffre answered questions to the best of her recollection. Ms. Giuffre had never sent an email to Ms. Churcher with Dershowitz's name in it – instead, as Dershowitz recounts, Ms. Churcher turns out to have sent one email to Ms. Giuffre with Dershowitz's name in it.

innocence. But this inference is inconsistent with Ms. Giuffre's description of the manuscript, in which she explained "[n]ot everything in it is – not everything is in there . . . ." McCawley Dec. at 13, Giuffre Dep. Tr. at 41.

## II. DERSHOWITZ RELEASES CONFIDENTIAL INFORMATION IN VIOLATION OF A FLORIDA COURT ORDER

The pending sanction motion in the Florida Court is an illustrative example of how Dershowitz willingly violates Court orders. On December 11, 2015, in a transparent attempt to play his case to the media rather than try it before the court, Dershowitz filed a false affidavit with the Florida court purporting to describe confidential settlement communications with Giuffre's counsel and attempting to discredit Giuffre. He filed his affidavit in the public court file, despite knowing Ms. Giuffre's standing objections. He then alerted the media (specifically the *New York Times*) to these statements. After Giuffre filed an emergency motion to seal the affidavit, the court found in favor of Ms. Giuffre that the communications in the affidavit were in fact confidential settlement negotiations that should not have been disclosed and granted Giuffre's motion. McCawley Dec., Ex. 15. During the hearing, the Florida court admonished Dershowitz not to reveal any other confidential settlement negotiations:

MS. MCCAWLEY: Your Honor, if the intent here is to continue to spew the confidential settlement negotiations and have Dershowitz go to New York or other locations to say these things again, I would object to that. I think this Court needs to be very stern in its response that these are not appropriate to be disclosed.

*THE COURT: Well, I think he is aware of that.*

MR. SAFRA [Dershowitz's attorney]: I'm aware, and I will convey to my client. . .<sup>22</sup>

Ms. Giuffre had a pending motion for sanctions against Dershowitz for his conduct in wrongfully revealing and flatly mischaracterizing these settlement disclosures. McCawley Dec.

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<sup>22</sup> McCawley Dec. at Exhibit 14, December 18, 2015, Emergency Motion to Seal Hr. Tr. at 25:23-26:9 (emphasis added).

Sealed Ex. 16, Motion for Sanctions. Before that motion was heard, Dershowitz willfully violated the court's order and again disclosed the confidential settlement communications, for which Giuffre again sought sanctions. McCawley Dec. Sealed Ex. 17, Supplement to Motion for Sanctions. However, before the sanction motions were heard, Dershowitz settled the underlying litigation. Dershowitz has insisted upon keeping confidential the monetary settlement that resolved the claims against him.<sup>23</sup> The trial court declined to retain jurisdiction to hear Ms. Giuffre's sanctions claims after the settlement. Ms. Giuffre's attorneys have appealed the ruling to the Florida Court of Appeals and filed an opening brief on August 25, 2016.

### III. THE PROTECTIVE ORDER IN THIS CASE

This is a case concerning sex abuse of minors, brought by a woman who was herself a minor victim of sex abuse. Accordingly, this Court has recognized from the outset the paramount importance of a protective order in this case, announcing at one of the first hearings in the case that that "of course there should be a protective order in this case."<sup>24</sup> Thereafter, on March 18, 2016, "[u]pon a showing of good cause," the Protective Order was entered (DE 62 at p.1). The following month, this Court sought even greater strictures regarding the Protective Order.<sup>25</sup>

Furthermore, as this Court will remember, it twice allowed the parties to submit suggested redactions to the public versions of its Orders (DE 135; June 20, 2016, Order<sup>26</sup>). While

<sup>23</sup> "Did Dershowitz Shell Out Big Bucks to Get Settlement in Sex Case?" by Vivia Chen, April 12, 2016 at <http://thecareerist.typepad.com/thecareerist/2016/04/did-dershowitz-shell-out-money-for-settlement-in-case-sex.html>

<sup>24</sup> March 17, 2016, Hearing Transcript at 4:25-5:1. McCawley Dec. at Exhibit 18.

<sup>25</sup> "However, I'm also going to ask the parties to agree upon an order that would *expand* the confidentiality agreement to this extent to this extent, to require the plaintiff to indicate to me and to the defense if there is anyone else who is going to be active in this litigation. I'll tell you why I feel this way. I want to be sure that we can enforce the confidential aspect of that agreement, and *I think that could be critical down the line*. That's the reason for those requests." April 21, 2016, Hearing Transcript at 6:24-7:6. McCawley Dec. at Exhibit 19.

<sup>26</sup> "This matter being subject to a Protective Order, the parties are directed to meet and confer regarding redactions to this Opinion consistent with that Order. The parties are further directed to jointly file a proposed redacted version of this Opinion or Notify the Court that none are necessary within two weeks of the date of receipt of this Opinion." June 20, 2016, Sealed Order at p. 19.

the redactions were agreed to by the parties, they were solely at Defendant's request.<sup>27</sup> Indeed, this Court temporarily placed the entire docket under seal. June 23, 2016, Order. DE 251. Under these rulings, both parties designated hundreds of pages of materials confidential under the Court's Order.

#### IV. ARGUMENT

##### A. Legal Standard

The Court may deny Dershowitz's motion without even reaching the merits of whether the contested documents are judicial documents, which they absolutely are not. Fed. R. Civ. P. 24(b)(3); *Liz Claiborne, Inc. v. Mademoiselle Knitwear, Inc.*, 1996 WL 346352, at \*4 (S.D.N.Y. June 26, 1996) (Sweet, J.) (denying leave to intervene); *Levin v. U.S.*, 633 Fed. Appx. 69, 70 (2nd Cir. 2016) (affirming district court's denial of motion to intervene, explaining "[b]ecause of the fact-intensive nature of an intervention decision, we review for 'abuse of discretion' a district court's order denying intervention . . . by permission."). Accordingly, this Court can deny Dershowitz's motion on the grounds that taking these documents to the media would prejudice Ms. Giuffre and because, having sat on the documents for months, the motion is untimely.<sup>28</sup>

Dershowitz's motion mentions, then proceeds to ignore, the policy rationale that underlies both the First Amendment and common law right of access to judicial documents. Both

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<sup>27</sup> Without a good faith basis, Defendant proposed redacting this Court's reference to Jeffrey Epstein's name (44 times) and the Court's reference to Alan Dershowitz's name (10 times) from this Court's Order. DE 135 Ms. Giuffre made no objection to Defendant's self-serving maneuver to avoid being closely associated with Epstein and Dershowitz in the public eye.

<sup>28</sup> The Court should not even reach the substance of Dershowitz's motion, as he has failed to meet the requirements for permissive intervention, which, as Dershowitz admits, include timeliness. *MasterCard Intern. Inc. v. Visa Intern. Service Ass'n, Inc.*, 471 F.3d 377, 390 (2d Cir. 2006). In *MasterCard* the Second Circuit affirmed the district court's denial of a motion for permissive intervention on timeliness grounds. That decision is highly persuasive here. First, Dershowitz has known of his potential "interest" in this case long before it was filed in September of 2015, as evidenced by the email communications between Dershowitz and Defendant the Court reviewed in its *in camera* review before ordering Defendant to produce them. Yet Dershowitz waited until after discovery closed and until after he was safe from receiving a notice of deposition in this matter, before he filed his intervention motion. Unsurprisingly, his motion is devoid of any claim that his motion is timely, because such an argument could never succeed given Dershowitz's long-held knowledge of Ms. Giuffre and her allegations, the disposition of this case, and the fact that he sat on these documents for months before seeking relief.

legal principles exist so that courts may have accountability to the public; they do not exist to enable individuals on a personal vendetta to advance a public smear campaign against a victim of childhood sexual abuse. *U.S. v. Amodeo*, 71 F.3d 1044, 1048 (2d Cir. 1995) (“*Amodeo II*”) (“The presumption of access is based on the need for federal courts, although independent—indeed, particularly because they are independent—to have a measure of accountability and for the public to have confidence in the administration of justice.”). Indeed, the motion to intervene is devoid of any citations to precedent that allows an individual to exploit these bedrock legal principles solely for his personal benefit, rather than the public at large. Furthermore, the Court should not overlook the fact that that Dershowitz *already possesses* these documents because they were sent to him by Maxwell’s counsel who has named him as a witness, and, as demonstrated below, the Second Circuit does not provide a right of access to protected material when an individual seeks to use it solely for harm.

**B. These Are Not Judicial Documents and Therefore Should Not be Disclosed**

The Court can end its legal analysis of this motion quickly, as, contrary to Dershowitz’s suggestion, the documents in question are not judicial documents. This fact is fatal to the motion, as neither the First Amendment nor the common law right of access applies in a scenario where the materials in question are not judicial documents. *U.S. v. Amodeo*, 44 F.3d 141, 145 (2d Cir. 1995) (“*Amodeo I*”) (noting material must be a “judicial document” to be “accessible to the public”).

Dershowitz only became aware of the documents he now seeks because Ms. Giuffre produced them in discovery. It is established law in the Second Circuit that documents simply exchanged in the civil discovery context do not come within the purview of the First Amendment or the common law right of access. “Documents that play no role in the performance of Article III functions, such as those passed between the parties in discovery, lie entirely beyond the

presumption's reach..." *Amodeo II*, 71 F.3d at 1050. Dershowitz suggests that because a subpoenaed third party filed one of the documents as an attachment to a motion to quash, and because Defendant filed the others as an exhibit to an opposition to extend discovery, that converts them into judicial documents and triggers the presumption of access. This argument is unavailing. The Second Circuit has held that the "mere filing of a paper or document with the court is insufficient to render that paper a judicial document subject to the right of public access. We think that the item filed must be relevant to the performance of the judicial function and useful in the judicial process in order for it to be designated a judicial document." *Amodeo I*, 44 F.3d at 145.

A review of the case law reveals that *every circuit* to have directly addressed this point has found that documents filed as exhibits to non-dispositive discovery motions ***do not qualify*** as judicial documents. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) ("We have, however, carved out an exception to the presumption of access to judicial records for a sealed discovery document [attached] to a non-dispositive motion, such that the usual presumption of the public's right of access is rebutted") (internal citation and quotations omitted); *Bond v. Utreras*, 585 F.3d 1061, 1075 n. 8 (7th Cir.2009); *Chi. Tribune Co. v. Bridgestone/Firestone, Inc.*, 263 F.3d 1304, 1312–13 (11th Cir.2001) (holding that "material filed with discovery motions is not subject to the common-law right of access, whereas discovery material filed in connection with pretrial motions that require judicial resolution of the merits is subject to the common-law right"); *Anderson v. Cryovac, Inc.*, 805 F.2d 1, 10 (1st Cir.1986) ("Although we agree that the public has a right of access to some parts of the judicial process, we conclude that this right does not extend to documents submitted to a court in connection with discovery proceedings."); *Leucadia, Inc. v. Applied Extrusion Technologies, Inc.*, 998 F.2d 157,



164 (3d Cir. 1993) (“holding that discovery motions and supporting materials are subject to a presumptive right of access would make raw discovery, ordinarily inaccessible to the public, accessible merely because it had to be included in motions precipitated by inadequate discovery responses or overly aggressive discovery demands. This would be a holding based more on expediency than principle.”).

Therefore, five federal appellate courts have already rejected the argument that Dershowitz advances here. Dershowitz acknowledges that the Second Circuit has not yet reached this specific issue, but the holdings in *Amodeo I* and *Amodeo II* demonstrate that when the Second Circuit reaches this issue, it will reach exactly the same result. In *Amodeo II* the Second Circuit held that documents “passed between the parties in discovery, lie entirely beyond the presumption’s reach...” *Amodeo II*, 71 F.3d at 1050. In *Amodeo I* the Second Circuit noted the “mere filing of a paper or document with the court is insufficient to render that paper a judicial document subject to the right of public access.” *Amodeo I*, 44 F.3d at 145. Additionally, in the case cited by Dershowitz, *S.E.C. v. TheStreet.Com*, 273 F.3d 222, 233 (2d Cir. 2001), the Second Circuit rejected an argument that would “transform every document that a court reviews into a ‘judicial document’ presumptively open to the public, despite well-settled law to the contrary.”

The Second Circuit has held (1) discovery materials are not judicial documents; (2) the mere filing of a document with the court does not render it a judicial document; and (3) a court simply reviewing a piece of discovery material does not make the document a “judicial document.” Therefore, there is no question that the Second Circuit would resolve the issue at hand in exactly the same way that every other circuit to address the issue has. This Court should follow every other circuit, and the guidance from the Second Circuit, and find that the mere

filing of a piece of discovery material as part of a non-dispositive discovery motion does not convert the material into a judicial document.

Finally, the Churcher emails cannot qualify as “judicial documents” on the separate and independent basis that the Court has not considered them, as the motion to which they are attached is still pending.<sup>29</sup> Here again, Dershowitz’s motion misses the point of the First Amendment and common law rights of access. It is not the filing of a piece of discovery that makes it a judicial document, it is the Court’s *review and consideration* of that document that converts the document’s status. *Gosmile, Inc. v. Dr. Jonathan Levine, D.M.D. P.C.*, 2012 WL 1382557, at \*1 (S.D.N.Y. 2012) (“Court did not weigh these documents [attached as exhibits] in its review of the parties’ motions, considers them immaterial to the motions, and therefore does not consider them to be judicial documents.”). As Ms. Giuffre has shown, these principles exist for the accountability of the courts to the public, not for the personal benefit of an individual.

In the face of this uniform precedent from the courts of appeal, Dershowitz cites only to a handful of district court opinions, many of which do not support the relief he seeks. For example, in Dershowitz’s first-cited case, *Alexander Interactive, Inc. v. Adorama, Inc.*, No. 12 Civ. 6608, 2014 WL 4346174, at \*2 (S.D.N.Y. Sept. 2, 2014), the Court proceeded to deny access and instead sealed the materials at issue. In *Dandong v. Pinnacle Performance Ltd.*, No. 10 Civ. 8086, 2012 WL 6217646, at \*2 (S.D.N.Y. Dec. 3, 2012) the court noted the materials at issue were nothing more than legal argument, and it gave the parties time to show “good cause” for keeping the documents sealed. The Court can reject these outlier opinions out of hand, as they do not comport with the holdings of the First, Third, Seventh, Ninth and Eleventh Circuits, nor are they in-line with the Second Circuit’s case law in *Amodeo I*, *Amodeo II* and *TheStreet.Com*.

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<sup>29</sup> It may well be the case that the Court never considered Ms. Giuffre’s draft manuscript in ruling on the motion for extension of time in relation to the opposition motion to which it was attached. The Order makes no mention of it. DE June 20, 2016, Order. If the Court did not consider those exhibits, they do not qualify as judicial documents.

There simply is no legal basis for this Court to find that the documents Dershowitz seeks qualify as “judicial documents.” First, it is not clear that this Court has even reviewed or considered them, and if it has not, that fact alone is dispositive. Second, the law throughout the country is clear that routine, raw discovery materials submitted as exhibits to non-dispositive discovery motions do not convert into “judicial documents” and trigger a right of public access. The Court should find that these documents are not “judicial documents” and summarily deny Dershowitz’s motion.

**C. Even Were the Court to Deem the Documents to be Judicial Documents, the Presumption of Access is Weak**

Even if the Court found these documents to be judicial documents - which they categorically are not - Dershowitz’s motion still fails because the common law presumption of access is extremely weak and easily overcome here by countervailing factors. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (noting that if a court finds documents to be judicial, it must then assess the weight of the presumed access and determine if countervailing factors override the presumption).

Once again, Dershowitz’s own cited cases are his undoing. In *Alexander Interactive*, the Court found that because the documents were submitted merely as exhibits to a motion to compel, “the presumption in favor of public access is weak.” 2014 WL 4346174 at \*2. It then proceeded to seal the documents in question, despite acknowledging the public right of access. *See also Stern v. Cosby*, 529 F.Supp.2d 417, 422 (S.D.N.Y. 2007) (“the presumption of public access - if any - that attaches to the transcript and videotape is low, at best. No such presumption attaches at all to the videotape, and even if the transcript is filed for purposes of a motion to compel, the presumption that would attach to the transcript would be low. On any such motion, I

would not be making any decision on the merits, but I would simply be reviewing excerpts of the transcripts to resolve a discovery dispute.”).

This ruling is in-line with the Second Circuit’s directive regarding how to assess the weight of the presumption of access. “[T]he presumption of access must be governed by the role of the material at issue in the exercise of Article III judicial power and the resultant value of such information to those monitoring the federal courts. Generally, the information will fall somewhere on a continuum from matters that directly affect an adjudication to matters that come within a court's purview solely to insure their irrelevance.” *Amodeo II*, 71 F.3d at 1049. This is not a situation where the documents were relied upon as part of a dispositive summary judgment motion (where the presumption is highest). If the Court relied on the documents at all, which is not clear, it was for the limited purpose of determining entitlement to discovery. In this context, as the courts in *Alexander Interactive*, *Stern* and *Amodeo II* noted, the presumption is weakest. *Amodeo II*, 71 F.3d at 1050 (“Where testimony or documents play only a negligible role in the performance of Article III duties, the weight of the presumption is low and amounts to little more than a prediction of public access absent a countervailing reason.”). *Joy v. North*, 692 F.2d 880, 893 (2d Cir.1982) (“Discovery involves the use of compulsory process to facilitate orderly preparation for trial, not to educate or titillate the public.”); *In re Zyprexa Injunction*, 474 F.Supp.2d 385, 423 (E.D.N.Y. 2007) (“Nonparties who are prohibited from accessing confidential documents . . . cannot claim an infringement on their freedom of speech: The right to speak and publish does not carry with it the unrestrained right to gather information. . . . Discovery involves the use of compulsory process to facilitate orderly preparation for trial, not to educate or titillate the public.”) (internal citations and quotations omitted); *Dorsett v. County of Nassau*, 762 F.Supp.2d 500, 519 (E.D.N.Y. 2011) (“Assuming for the sake of argument that the

IAU Report did satisfy the judicial document inquiry, since the Report was passed between the parties in discovery, it lies entirely beyond the presumption's reach.”).

Given that the presumption of access here is weak, if it exists at all, Ms. Giuffre easily overcomes it with her countervailing evidence. With regard to her draft manuscript, it is protected under trade secret and copyright law, and Dershowitz has no legal right to disseminate it to a public audience.<sup>30</sup> Courts routinely seal materials in support of filings when they contain proprietary or similarly protected content.<sup>31</sup> *Louis Vuitton Malletier, S.A. v. My Other Bag, Inc.*, 156 F.Supp.3d 425, 445 N7 (S.D.N.Y. 2016) (“As for competing considerations that counsel in favor of allowing the parties to file their briefs under seal, the privacy interests of the parties in preventing the public disclosure of private business figures and communications are not insignificant. The Court therefore concludes that the balance of interests is in favor of allowing the parties' briefs to be filed under seal.”). This decision is particularly instructive here, as it involved summary judgment filings, where the access presumption is highest, as opposed to the discovery brief exhibits at issue here, where the presumption is lowest.

Finally, the privacy and sensitivity of the information here is particularly compelling in light of what Dershowitz intends to do if the Court allows him to disseminate these documents. His prior conduct reveals, without a shred of doubt, that he has a personal vendetta against Ms. Giuffre, and he will take these documents and attempt to publicly disparage Ms. Giuffre, as he has done in the recent past. The Second Circuit does not allow a court to unseal private and

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<sup>30</sup> Ms. Giuffre has testified at her deposition in this case that her draft manuscript does not contain everything that happened to her. McCawley Dec. at Exhibit 13, Giuffre Dep. Tr. at 41. Tellingly, Dershowitz does not seek to lift the confidentiality of the testimony of all the witnesses in this case which reveals a significant sex trafficking ring. Instead, Dershowitz seeks to reveal evidence which he can spin in an attempt to legitimize his public relations campaign against her, while keeping secret the evidence that would directly refute his spin.

<sup>31</sup> Similarly, with regard to the Churcher emails, those are the same “private business communications” that the court in *Louis Vuitton* found adequate to justify sealing the filings at issue. Indeed, the Second Circuit expressly recognizes such privacy rights as a legitimate basis to overcome the presumption of access. *Amodeo II*, 71 F.3d at 1051 (“Such interests, while not always fitting comfortably under the rubric ‘privacy,’ are a venerable common law exception to the presumption of access.”).

otherwise protected material to enable a non-party to conduct a public smear campaign. *Amodeo II*, 71 F.3d at 1051 (“The nature and degree of injury must also be weighed. This will entail consideration not only of the sensitivity of the information and the subject but also of how the person seeking access intends to use the information...*personal vendettas...need not be aided.*”) (Emphasis added).

In sum, the documents Dershowitz seeks involve no presumption of access whatsoever, as they are not judicial documents, but were the Court to find otherwise, the applicable presumption of access would be the lowest that exists under Second Circuit law. Ms. Giuffre requests that, in accord with the governing law, the Court hold that her proprietary interests outweigh any weak presumption of access.

#### **D. No Right of Access Exists Under the First Amendment**

Dershowitz should not have advanced a First Amendment right of access argument because it is wholly without merit. First and foremost, the documents at issue must be “judicial documents” to trigger a First Amendment right of access, and, as stated above, the materials at issue here are not. *Newsday LLC v. County of Nassau*, 730 F.3d 156, 166 (2d Cir. 2013) (“We must conduct an independent review of the Report to determine (a) *whether it is a judicial document* to which the First Amendment right applies”) (emphasis added).

Should the Court find otherwise, there remains no right of access under the First Amendment. As the Second Circuit has said, “[e]ven when it applies, moreover, the First Amendment right creates only a *presumptive* right of access.” *Id.* at 164 (Emphasis original). The right does not attach here because Dershowitz’s motion fails the Second Circuit’s “experience and logic” test for triggering a First Amendment right of access. That test “asks both whether the documents have historically been open to the press and general public and whether public access plays a significant positive role in the functioning of the particular process in question.” *Id.*

Dershowitz's motion fails both parts of the test. "Protective orders prohibiting dissemination of materials discovered before trial are not the kind of classic prior restraint that require[ ] exacting First Amendment scrutiny." *In re Zyprexa Injunction*, 474 F.Supp.2d at 417 (Internal quotations omitted).

He argues that materials filed as part of discovery motions are routinely filed and available for public view. That argument is meritless, as it ignores the existence of the Protective Order in this case. Moreover, there is no "historical openness" to the press of a party's raw discovery materials, quite the opposite. As Ms. Giuffre established above, the Second Circuit has found that there is no public right of access to material exchanged in discovery. *Amodeo II*, 71 F.3d at 1050 (documents "passed between the parties in discovery, lie entirely beyond the presumption's reach..."). And again, the Court should not lose sight of the policy rationale behind the First Amendment right of access: the accountability of the courts to the public. Dershowitz does not want to monitor this Court in any way whatsoever; instead, he wants to use this Court as a vehicle to conduct a public relations campaign against Ms. Giuffre.

The Court will recall that Dershowitz has a joint-defense agreement with Defendant and is fully aligned with her interests in this case. Far from assisting the public in reviewing this Court's work, Dershowitz seeks to spread misinformation, engage in hateful personal attacks, and taint the jury pool that will hear Ms. Giuffre's case. The Court should not allow such callous abuse of a First Amendment right, particularly as there is no merit to Dershowitz's claim (Br. at 21) that "public monitoring has an important role to play here." This claim is a smokescreen to cover his improper motives. Dershowitz suggests there has been "significant public interest" in Ms. Giuffre's allegations against him, but that is irrelevant here for two reasons. First, Ms. Giuffre is not lodging accusations against Dershowitz in this case. Those allegations appeared in



the CVRA case Dershowitz references, and the Court will note that the CVRA court denied as moot Dershowitz's intervention attempt there. Second, public interest in a case would only matter if the material was sought to allow the public to monitor the Court's actions (which is why the courts in this district often recognize a *news agency's* standing to challenge protective orders<sup>32</sup>), not to feed any purported interest in Dershowitz personally. Again, the First Amendment right protects *the public's* right to oversee the function of the Court; it does not exist to assist Dershowitz in pursuing his personal vendetta against Ms. Giuffre. *Newsday*, 730 F.3d at 164 ("the need for public access to court proceedings is grounded in the need for federal courts ... to have a measure of accountability and *for the public to have confidence in the administration of justice.*") (emphasis added). The Court must reject Dershowitz's misguided attempt to manipulate a public right for his personal benefit.

#### **E. The Second Circuit Has a Presumption Against Modifying Protective Orders Upon Which Parties Reasonably Relied**

The Second Circuit has expressly acknowledged that its protective order modification test has, as a general matter, a "strong presumption against the modification of a protective order, and orders should not be modified absent a showing of improvidence in the grant of the order or some extraordinary circumstance or compelling need." *In re Teligent, Inc.*, 640 F.3d 53, 59 (2d Cir. 2011) (affirming denial of motion to lift confidentiality provisions of the protective order).<sup>33</sup>

##### **1. The Record in this Case Shows That the Protective Order Was Not Improvidently Granted**

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<sup>32</sup> Not only is Dershowitz not a news agency, and therefore, should not be allowed to challenge the Protective Order, but his interests are fully represented by Defendant, as evidenced by Defendant's privilege log (showing communications between Dershowitz's counsel and Defendant's counsel); Defendant's sharing confidential documents with Dershowitz; and the 2015 email, sent over 9 months prior to this action, between Dershowitz and Defendant (that this Court ordered Defendant to produce to Ms. Giuffre after its *in camera* review) discussing Ms. Giuffre. Defendant cannot credibly claim that his and Defendant's interests are not aligned.

<sup>33</sup> 8A Richard L. Marcus, *Federal Practice and Procedure* § 2044.1 (3d ed. Westlaw 2012) (asserting that the Second Circuit has "embraced a very restrictive attitude toward modification of protective orders," "emphasiz[ing] the need to foster use of protective orders as a means of facilitating discovery as a reason for resisting modification that would tend to make the orders appear unreliable").

Despite Dershowitz's argument, the Protective Order, entered "[u]pon a showing of good cause," was not improvidently granted. (DE 62 at p.1). Indeed, even after the entry of the Protective Order, this Court has articulated its concern for preserving the protections of the Protective Order: "I want to be sure that we can enforce the confidential aspect of that agreement, and I think that could be critical down the line."<sup>34</sup> Indeed, "*once a discovery protective order is in place, the applicable standard requires plaintiff seeking to modify the order to show improvidence in the grant of the protective order* or some extraordinary circumstance or compelling need." *In re September 11 Litigation*, 262 F.R.D. 274 (S.D. N.Y. 2009). Dershowitz's attempts to claim improvidence, carelessness, or shortsightedness of this Court in granting the Protective Order are unavailing. To the contrary, this Court has, twice, found the case warrants a stringent Protective Order, and has specifically expressed concern for its ongoing efficacy.<sup>35</sup> Dershowitz cannot point to a single reason why the Protective Order was improvidently granted other than the fact that it hinders the ability of him, a third party, to select certain documents to use in a pre-trial smear campaign against one of the parties. Ms. Giuffre submits that one of the merits of the Protective Order is that it forecloses a pre-trial any media circus (created by either side) which would taint the jury pool.

## 2. The Parties and Deponents in This Case Have Reasonably Relied Upon the Protective Order

The Second Circuit has been hesitant to permit modifications that might "unfairly disturb the legitimate expectations of the parties or deponents." *Dorsett v. County of Nassau*, 289 F.R.D. 54, 64 (E.D.N.Y. 2012). Indeed, "[i]t is presumptively unfair for courts to modify protective orders which assure confidentiality and upon which the parties have reasonably relied." *Id.*, 289 F.R.D. at 64 (E.D.N.Y. 2012) (internal citations and quotations omitted) (denying motion to lift

<sup>34</sup> April 21, 2016, Hearing Transcript at 6:24-7:6. (McCawley Dec. at Exhibit 19).

<sup>35</sup> March 17, 2016, Hearing Transcript at 4:25-5:1, *supra*; April 21, 2016, Hearing Transcript at 6:24-7:6, *supra*

confidentiality of report of policing failures surrounding the murder of a young mother).

“Consequently, in a major decision in this field, *Martindell v. International Telephone & Telegraph Corp.*, 594 F.2d 291 (2d Cir.1979), the Second Circuit determined that ‘absent a showing of improvidence in the grant of a Rule 26(c) protective order or some extraordinary circumstance or compelling need ... a witness should be entitled to rely upon the enforceability of a protective order against any third parties.’” *Id.*, quoting *Martindell v. International Telephone & Telegraph Corp.*, 594 F.2d at 296 (denying governmental access for criminal investigative purposes civil deposition transcripts taken under a protective order).

In this case, Ms. Giuffre - and multiple other deponents - reasonably relied on this Court’s Protective Order in giving testimony and producing documents. Indeed, Ms. Giuffre has given testimony about being sexually assaulted in reasonable reliance upon the privacy of the Protective Order; furnished personal medical records under in reasonable reliance upon the Protective Order; and produced personal emails with close family members in reasonable reliance upon of the Protective Order. *Medical Diagnostic Imaging, PLLC v. Carecore Nat., LLC*, 2009 WL 2135294, at \*4 (S.D.N.Y. 2009) (denying motion to modify protective order because parties and third parties have reasonably relied upon the terms of the protective order). Under *Martindell*, this Court cannot take away those protections after the fact.<sup>36</sup>

### **3. Dershowitz Seeks These Materials For an Illegitimate Purpose Which Disqualifies Him from Relief**

“A litigant's purpose in seeking modification of an existing protective order is also relevant for determining whether to grant a modification. Requests to modify protective orders so that the public may access discovery materials is arguably subject to a more stringent

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<sup>36</sup> “The Second Circuit has explicitly rejected the notion that the *Martindell* standard should be limited to cases where the government seeks to modify a protective order. Rather, *Martindell* has been applied even when the third party seeking access to discovery is a private litigant. *Dorsett v. County of Nassau*, 289 F.R.D. at 66, citing *Iridium India Telecom Ltd. v. Motorola, Inc.*, 165 Fed.Appx. 878, 880 (2d Cir.2005).

presumption against modification because there is no public right of access to discovery materials.” *Dorsett*, 289 F.R.D. at 65 (Internal citations and quotations omitted). Dershowitz’s own words admit the true purpose behind the instant motion, and wholly contradict the flimflam he has presented to this Court: “*My goal is to bring charges against the client and require her to speak in court.*”<sup>37</sup>

Indeed, in over 50 statements to the press, he has explained to the world (if not this Court) his reasons for maintaining his attacks on Ms. Giuffre in the media, in which he has publicly called her a “prostitute” and a “bad mother” to her three minor children. McCawley Dec. at Exhibit 20, Local 10 News, January 22, 2015. For example, Dershowitz has made the following statements:

- “The end result of this case should be she [Jane Doe No. 3] should go to jail, the lawyers should be disbarred and everybody should understand that I am completely and totally innocent.” McCawley Dec. at Exhibit 21, CNN International, New Day, January 6, 2015.
- Dershowitz also stated, in an interview in Newsmax, that he is “considering” bringing a lawsuit against Jane Doe No. 3. “And we’re considering suing her for defamation as well, but right now she was trying to hide in Colorado and avoid service, but we found her and we served her and now she’ll be subjected to a deposition.”<sup>38</sup>

By his own words, Dershowitz wants to intimidate and harass Ms. Giuffre with the specter of his sending her “to jail.”<sup>39</sup>

Even Dershowitz’s own cited cases militate against the Court feeding his proposed public relations campaign: *Nixon v. Warner Communications, Inc.*, 98 S.Ct. 1306, 1312, 435 U.S. 589, 598 (1978) (“It is uncontested that the right to . . . copy judicial records is not absolute . . . access has been denied where court files might have become a vehicle for improper purposes”). In

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<sup>37</sup> McCawley Dec. at Exhibit 22, Australian Broadcasting System (ABC), January 6, 2015.

<sup>38</sup> McCawley Dec. at Exhibit 23, Newsmax, April 8, 2015

<sup>39</sup> Dershowitz has previously written: “There’s an old saying: ‘If you have the law on your side, bang on the law. If you have the facts on your side, bang on the facts. If you have neither, bang on the table.’ I have never believed that, but I do believe in a variation on that theme: If you don’t have the law or legal facts on your side, argue your case in the court of public opinion.” ALAN DERSHOWITZ, *TAKING THE STAND: MY LIFE IN THE LAW* (2013).

*Nixon*, the Supreme Court warned that lower courts should “exercise an informed discretion as to the release” of materials, because, “[o]therwise, there would exhibit a danger that the court could become a partner in the use of the subpoenaed material to gratify private spite or promote public scandal, with no corresponding assurance of public benefit.” *Nixon v. Warner Communications, Inc.*, 98 S.Ct. at 1315, 435 U.S. at 603 (internal citations and quotations omitted). Under *Nixon*, this Court should not allow itself to be Dershowitz’s partner in gratifying his private spite and promoting public scandal that would necessarily prejudice Ms. Giuffre.<sup>40</sup>

**4. Under This Court’s Order, Non-Parties Cannot Challenge Confidentiality Designations and Dershowitz has Already Agreed to be Bound by the Parties’ Confidentiality Designations in Exchange for Receipt of Documents**

The Protective Order (DE 62) does not allow non-parties, like Dershowitz, to make a challenge to the confidentiality designations or the efficacy of the Order. To the contrary, the Protective Order only states that parties can object to the confidentiality designations: “A party may object to the designation of particular CONFIDENTIAL INFORMATION by giving written notice to the party designating the disputed information . . . it shall be the obligation the party designating the information as CONFIDENTIAL to file an appropriate motion requesting that the Court determine whether the disputed information should be subject to the terms of this Protective Order.” (DE 62 at ¶ 11, p. 4). This Court’s Protective Order does not allow for non-parties to challenge these designations. Accordingly, Dershowitz cannot challenge the designations under this Order.

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<sup>40</sup> Similarly, under applications to intervene under Rule 24(a), numerous courts have declined to allow a mere “reputational” interest to justify intervention. *Calloway v. Westinghouse Elec. Corp.*, 115 F.R.D. 73, 74 (M.D. Ga. 1987) (“interest in his reputation alone . . . does not constitute the required interest relating to the property or transaction which is the subject of the present action necessary to allow intervention”); *Flynn v. Hubbard*, 82 F.2d 1084, 1093 (1st Cir. 1986) (“the church “merely claim[ed] a generalized injury to reputation [that] identifies no legal detriment arising from a default judgment against Hubbard.”); *Edmondson v. State of Neb. ex. rel. Meyer*, 383 F.2d 123 (8th Cir. 1967) (“The mere fact that Edmondson’s reputation is thereby injured is not enough [to support intervention.]”); *Forsyth County v. U.S. Army Corps of Engineers*, 2009 WL 1312511, at \*2 (N.D. Ga. May 8, 2009) (interest in protecting its reputation . . . is not direct, substantive, or derived from a legal right”).

Importantly, Dershowitz admits that he has agreed to be bound by the provisions of the Protective Order in exchange for receiving the documents. Accordingly, he has agreed to the confidentiality restrictions placed on the documents, no matter what the documents contained. As Dershowitz explicitly admits that he agreed to be bound by the Protective Order so that he could be privy to all of the discovery in this case, he also agreed to be bound by its confidentiality provisions, as well as the provisions that only allow parties to bring challenges to the Protective Order.

**V. CONCLUSION**

Based on the foregoing, the Court should deny Dershowitz's motion in its entirety.

August 29, 2016

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 29, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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# EXHIBIT 6

(Filed Under Seal)

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Page 3

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE No.08-CV-80119-CIV-MARRA/JOHNSON

JANE DOE NO. 2,

Plaintiff,

-vs-

JEFFREY EPSTEIN,

Defendant.

Related cases:  
08-80232, 08-80380, 98-80381, 08-80994,  
08-80993, 08-80811, 08-80893, 09-80469,  
09-80591, 09-80656, 09-80802, 09-81092

VIDEOTAPED DEPOSITION OF JUAN ALESSI  
VOLUME I

Tuesday, September 8, 2009  
10:12 a.m. - 3:45 p.m.

2139 Palm Beach Lakes Boulevard  
West Palm Beach, Florida 33401

Reported By:  
Sandra W. Townsend, FPR  
Notary Public, State of Florida  
PROSE COURT REPORTING AGENCY  
West Palm Beach Office

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| <p>1 MS. EZELL: I'm going to ask -- I don't know<br/>2 whether you've still been serially designating<br/>3 Exhibits or whether we're doing them separately for<br/>4 deposition.<br/>5 MR. CRITTON: I think we cannot trust that<br/>6 people will do them serially. I'd do them with<br/>7 each one.<br/>8 MS. EZELL: Then would you mark this, please,<br/>9 as Exhibit 1 to this deposition.<br/>10 And I'm just going to state on the record that<br/>11 I will keep that original. We will not attach it<br/>12 to the deposition.<br/>13 (Exhibit number 1 was marked for<br/>14 identification purposes and retained by Counsel for the<br/>15 Plaintiffs.)<br/>16 THE WITNESS: Yes, that's --<br/>17 BY MS. EZELL:<br/>18 Q. Can you identify that -- the young woman in<br/>19 those pictures?<br/>20 A. Yes.<br/>21 Q. Who is it?<br/>22 A. That's V. -- V. Now that you says R., that<br/>23 is V.R. definite, a hundred percent.<br/>24 MR. CRITTON: Let me just note my objection,<br/>25 as I did in A. Rod's deposition or Mr. Rodriguez's</p>          | <p>1 THE WITNESS: Could have been. But, you know<br/>2 I am not -- I don't think I am a very good judge of<br/>3 ages. If you ask me how old you are, I really<br/>4 couldn't tell you.<br/>5 MR. CRITTON: Kathy thinks she's 25.<br/>6 MS. EZELL: In my dreams.<br/>7 THE WITNESS: Now, again, I must tell you, I<br/>8 was never told to check any i.d.s on any of the<br/>9 people who work at the house.<br/>10 BY MS. EZELL:<br/>11 Q. I understand that. And, so, I think I'm just<br/>12 trying to establish that you didn't consider it part of<br/>13 your job description to worry about or consider the<br/>14 ages --<br/>15 A. No.<br/>16 Q. -- of the young women that came there?<br/>17 A. Absolutely not. Absolutely not.<br/>18 Q. And, so, you never really focused on that or<br/>19 particularly thought about it if they seemed young?<br/>20 MR. CRITTON: Form.<br/>21 THE WITNESS: I don't -- I didn't see that<br/>22 many young girls, you know, young, underage girls<br/>23 at the house. I never saw except the two girls<br/>24 that I mentioned that I think it was underage was<br/>25 N. for sure because she was still in high school.</p>                                                                    |
| Page 46                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Page 48                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>1 deposition, that I know you're going to confiscate<br/>2 Exhibit number 1. I think it's inappropriate. I<br/>3 think I should be allowed to have a copy of<br/>4 Exhibits that are being used in deposition. But<br/>5 I'll file a motion with the Court so we don't get<br/>6 into a pulling match over your Exhibits.<br/>7 MR. BERGER: I would ask that the court<br/>8 reporter initial that.<br/>9 MS. EZELL: Sure.<br/>10 Oh, you did?<br/>11 MR. WILLITS: She marked it.<br/>12 MR. BERGER: Did she put her initials or did<br/>13 she just put a number or a letter?<br/>14 MR. CRITTON: She's nodding that she did<br/>15 everything that she usually does, which means,<br/>16 initials, date and number.<br/>17 MR. MERMELSTEIN: You can talk.<br/>18 MR. WILLITS: But when you talk, use your<br/>19 initials.<br/>20 BY MS. EZELL:<br/>21 Q. How old did you think V.R. was at the time she<br/>22 began coming to Mr. Epstein's home?<br/>23 A. She could have been 17, 18, 19.<br/>24 Q. Could she have also been 15?<br/>25 MR. CRITTON: Form.</p> | <p>1 And she -- she had dinner with her mother, a couple<br/>2 times with her mother. And she become an actress.<br/>3 She's an actress and she has done movies. And he<br/>4 help her in her career.<br/>5 That's the only girl that I knew she was young<br/>6 because she was going to high school and I pick her<br/>7 up from high school sometimes. But she was not a<br/>8 massage therapist. She will go for dinner. And<br/>9 they will go for the movies and she sang sometimes<br/>10 because she was a singer. So she sung at the<br/>11 house. Beautiful girl. Very talented.<br/>12 That's the only girl that I know that it<br/>13 was -- I would says, underage.<br/>14 BY MS. EZELL:<br/>15 Q. Okay. Did -- who told you that V.R. was a<br/>16 massage therapist?<br/>17 A. Nobody.<br/>18 Q. Did you assume that she was a massage<br/>19 therapist because you were told she was coming to give a<br/>20 massage?<br/>21 A. No. I assumed she was a massage therapy<br/>22 because I was -- I drove Ms. Maxwell to Mar-a-lago,<br/>23 Donald Trump's residence. And I wait in the car while<br/>24 Ms. Maxwell got a -- I think it was a facial or massage.<br/>25 I don't know. But that day I remember this girl, V.,</p> |

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| <p style="text-align: right;">Page 69</p> <p>1 MR. CRITTON: Form.</p> <p>2 THE WITNESS: No, not that I can remember.</p> <p>3 BY MS. EZELL:</p> <p>4 Q. Do you know if he and Mr. Epstein were</p> <p>5 involved in any businesses together?</p> <p>6 A. Mr. Epstein, I never knew what businesses he</p> <p>7 was involved. He will -- I was completely shut off of</p> <p>8 all of the business, except for the office, transfer of</p> <p>9 communications or faxes. But I have no idea of the</p> <p>10 relationship with other business partners.</p> <p>11 Q. Did you ever have to deal with his -- the</p> <p>12 office in New York with someone named Lesley in New</p> <p>13 York?</p> <p>14 A. The secretary?</p> <p>15 Q. Yes.</p> <p>16 A. Yeah. I would call -- I would call Lesley</p> <p>17 almost every day or other secretaries, they live in New</p> <p>18 York. Basically it came a point when Mr. Epstein will</p> <p>19 call New York and New York call me to do things for</p> <p>20 Mr. Epstein. But he was on the phone or busy or</p> <p>21 something and he would call the office and the office</p> <p>22 will send me an e-mail or call me or -- it was a</p> <p>23 constant report with the office in New York.</p> <p>24 Q. And did you in turn sometimes call New York to</p> <p>25 get a message to Mr. Epstein?</p> | <p style="text-align: right;">Page 71</p> <p>1 Diane's secretary, she stay there for a week with her</p> <p>2 kids and we took care of her.</p> <p>3 Who else? Mr. Trump. That's a celebrity.</p> <p>4 Mr. Robert Kennedy, Junior. Mr. Frederick Fekkai.</p> <p>5 Q. Who is that?</p> <p>6 A. Fekkai, Frederick Fekkai, the famous</p> <p>7 hairstylist. Who else? I don't think I can remember</p> <p>8 anymore.</p> <p>9 Q. David Copperfield, the magician?</p> <p>10 A. No, I never saw him.</p> <p>11 Q. You never saw him.</p> <p>12 Now, would these -- the people that you named</p> <p>13 were all people that you saw visiting in the home?</p> <p>14 A. Yes. Also was a Noble Prize winners, the -- I</p> <p>15 can't remember his name. It was an old gentleman. He</p> <p>16 was a Noble Prize, chemistry, I think, or mathematics.</p> <p>17 There was a couple -- a couple of those, very -- also,</p> <p>18 we had at one time at the house, it was a reunion of</p> <p>19 very Noble Prize winners. But I don't know. They're</p> <p>20 not famous, I guess. I can't remember their names.</p> <p>21 Very important people.</p> <p>22 Q. Was that a dinner or a reception?</p> <p>23 A. I think it was a lunch.</p> <p>24 Q. A lunch.</p> <p>25 President Clinton, did you ever --</p> |
| <p style="text-align: right;">Page 70</p> <p>1 A. Yes.</p> <p>2 Q. Did you ever overhear Mr. Epstein talking to</p> <p>3 any people that you would consider celebrities?</p> <p>4 A. Yes. I knew some -- many celebrities.</p> <p>5 Q. Who -- what celebrities did you understand</p> <p>6 that he spoke with?</p> <p>7 A. He spoke to it?</p> <p>8 Q. Yes.</p> <p>9 A. I don't know who he spoke to because I never</p> <p>10 listen to his conversations. But I saw guests at the</p> <p>11 house that were celebrities.</p> <p>12 Q. Who did you see at house?</p> <p>13 A. Many. It was [REDACTED] It was [REDACTED]</p> <p>14 [REDACTED] It was Prince Andrew. It</p> <p>15 was Princess Sarah.</p> <p>16 Q. Princess?</p> <p>17 A. Sarah, the wife of Andrew.</p> <p>18 Q. Sarah Ferguson?</p> <p>19 A. Ferguson.</p> <p>20 And it was a couple Misses, Misses Yugoslavia,</p> <p>21 Miss Germany that I don't even know the names. But they</p> <p>22 were a lot of queens and other famous people that I</p> <p>23 can't remember. It was a very famous lawyers that I'm</p> <p>24 sure you know, Alan Dershowitz, who spend at the house a</p> <p>25 couple times. And he slept there. He -- Princess</p>                                                                                                                                   | <p style="text-align: right;">Page 72</p> <p>1 A. I met President Clinton on Mr. Epstein's plane</p> <p>2 in the last, I think it was the last month or just</p> <p>3 before I left -- I left, I met President Clinton in</p> <p>4 Miami at his plane. We drove him to Miami.</p> <p>5 Q. And do you know, was that a trip -- were they</p> <p>6 going on a trip to Africa?</p> <p>7 A. I hear about it, but it was not when I was</p> <p>8 there.</p> <p>9 Q. So that was not the time that you drove --</p> <p>10 A. No, I was already out.</p> <p>11 Q. And Kevin Spacey, did you ever meet him?</p> <p>12 A. No. I hear about it on the news, but I never</p> <p>13 met him.</p> <p>14 Q. Were Prince Andrew and Princess Sarah friends</p> <p>15 of Ms. Maxwell?</p> <p>16 A. Both of them.</p> <p>17 Q. Both Ms. Maxwell and Mr. Epstein?</p> <p>18 A. Yeah.</p> <p>19 Q. Did -- did they ever have massages when they</p> <p>20 were there?</p> <p>21 A. Prince Andrew did. I think Sarah was there</p> <p>22 only once and for a short time. I don't think she slept</p> <p>23 in there. I cannot remember. I think she was visiting</p> <p>24 Wellington and she came to the house and we met her.</p> <p>25 But Prince Andrew, yes, Prince Andrew spent weeks with</p>                        |

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| Page 73                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page 75                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <p>1 us.</p> <p>2 Q. Where would he sleep?</p> <p>3 A. In the main room, the main guest bedroom.</p> <p>4 That was the blue room.</p> <p>5 Q. And, so, when he would come and stay, during</p> <p>6 that time would he frequently have massages?</p> <p>7 MR. CRITTON: Form.</p> <p>8 THE WITNESS: I would says, daily massages.</p> <p>9 They have a daily massage.</p> <p>10 BY MS. EZELL:</p> <p>11 Q. Was it sometimes more than one a day?</p> <p>12 A. I can't remember if he had more than one, but</p> <p>13 I think it was just a massage for him. We set up the</p> <p>14 tables and --</p> <p>15 Q. Do you have any recollection of V.R. coming to</p> <p>16 the house when Prince Andrew was there?</p> <p>17 A. It could have been, but I'm not sure.</p> <p>18 Q. Not sure. When Mr. Dershowitz was</p> <p>19 visiting, --</p> <p>20 A. Uh-huh.</p> <p>21 Q. -- how often did he come?</p> <p>22 A. He came pretty -- pretty often. I would says,</p> <p>23 at least four or five times a year.</p> <p>24 Q. And how long would he stay typically?</p> <p>25 A. Two, three days.</p>              | <p>1 MR. LANGINO: Go ahead. Sure.</p> <p>2 BY MS. EZELL:</p> <p>3 Q. You said that you set up the massage tables.</p> <p>4 And would you also set up the oils and the towels?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. And I think I read one time you said they used</p> <p>7 40 or 50 towels a day?</p> <p>8 MR. CRITTON: Form.</p> <p>9 THE WITNESS: That's correct. There was a</p> <p>10 tremendous amount of work in the house, especially</p> <p>11 laundry towels, because they were -- we have</p> <p>12 towels, piles of towels. And they use in the pool.</p> <p>13 There was a lot of people in the pool and there</p> <p>14 were a towel that went in the floor, we have to go</p> <p>15 and pick it up, wash it. So it was -- it was a lot</p> <p>16 of towels, yes.</p> <p>17 BY MS. EZELL:</p> <p>18 Q. And did you ever have occasion to go upstairs</p> <p>19 and clean up after the massages?</p> <p>20 A. Yeah, uh-huh.</p> <p>21 Q. Did you ever find any vibrators in that area?</p> <p>22 A. Yes. I told him, yes.</p> <p>23 MS. EZELL: And did you ask that? I'm sorry.</p> <p>24 MR. CRITTON: Yes.</p> <p>25 MS. EZELL: I don't know how I missed that.</p>                                                                                                                       |
| Page 74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page 76                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>1 Q. Did he have massages sometimes when he was</p> <p>2 there?</p> <p>3 A. Yes. A massage was like a treat for</p> <p>4 everybody. If they want it, we call the massage and</p> <p>5 they have a massage.</p> <p>6 Q. Now, Mr. Trump had a home in Palm Beach,</p> <p>7 correct?</p> <p>8 A. Uh-huh.</p> <p>9 Q. So he didn't come and stay there, did he?</p> <p>10 A. No, never.</p> <p>11 Q. He would come for a meal?</p> <p>12 A. He would come, have dinner. He never sat at</p> <p>13 the table. He eat with me in the kitchen.</p> <p>14 Q. Did he ever have massages while he was there?</p> <p>15 A. No. Because he's got his own spa.</p> <p>16 Q. Sure.</p> <p>17 MS. EZELL: I don't have any other questions</p> <p>18 right now. I'd just like to reserve if something</p> <p>19 comes up to ask. But, otherwise, you may go ahead.</p> <p>20 MR. LANGINO: It is noon, so I don't know what</p> <p>21 everybody else's schedule is. I don't know how</p> <p>22 you're feeling.</p> <p>23 THE WITNESS: I am fine.</p> <p>24 MS. EZELL: I do have another question. May I</p> <p>25 ask it?</p> | <p>1 BY MS. EZELL:</p> <p>2 Q. Since I did miss it, if you don't mind, let me</p> <p>3 just ask you again.</p> <p>4 Would you describe for me what kinds of</p> <p>5 vibrators you found?</p> <p>6 A. I'm not familiar -- not too familiar with the</p> <p>7 names, but they were big dildos, what they call the big</p> <p>8 rubber things like that (indicating). And I used to go</p> <p>9 and put my gloves on and pick them up, put them in the</p> <p>10 sink, rinse it off and put it in Ms. Maxwell --</p> <p>11 Ms. Maxwell had in her closet, she had, like, a laundry</p> <p>12 basket, one of those laundry basket that you put laundry</p> <p>13 in. She have full of those toys. And that was -- and</p> <p>14 that was me being professional, leaving the room ready</p> <p>15 for bed when he would come back to the room again.</p> <p>16 Q. Okay.</p> <p>17 A. That happened a few times, few times.</p> <p>18 Q. Were there other sex toys that you found in</p> <p>19 the area --</p> <p>20 A. No.</p> <p>21 Q. -- sometimes? You mentioned she kept them in</p> <p>22 a basket in her closet?</p> <p>23 A. She kept them in her basket. She had some</p> <p>24 videos there and she have a costume there. I know that</p> <p>25 she bought it, that she brought it with her.</p> |

19 (Pages 73 to 76)

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COMPOSITE  
EXHIBIT 8  
(File Under Seal)

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA

3 JANE DOE NO. 2, Case No: 08-CV-80119  
4 Plaintiff,  
5 Vs  
6 JEFFREY EPSTEIN,  
7 Defendant.

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8 JANE DOE NO. 3, Case NO: 08-CV-80232

9 Plaintiff,  
10 Vs  
11 JEFFREY EPSTEIN,  
12 Defendant.

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13 JANE DOE NO. 4, Case No: 08-CV-80380

14 Plaintiff,  
15 Vs.

16 JEFFREY EPSTEIN,  
17 Defendant.

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18 JANE DOE NO. 5, Case No: 08-CV-80381  
19 Plaintiff,

20 Vs  
21 JEFFREY EPSTEIN,  
22 Defendant.

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25



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| <p style="text-align: right;">Page 198</p> <p>1 that tape it's going to be Assistant Attorney<br/> 2 Weiss and Detective Recarey asking questions?<br/> 3 A. Yes.<br/> 4 Q. It says, during the sworn taped statement<br/> 5 Mr. Rodriguez stated he was employed by Jeffrey<br/> 6 Epstein for approximately six months.<br/> 7 I think we already talked about that.<br/> 8 I'm skipping ahead a little bit.<br/> 9 If Rodriguez needed to relay a message to<br/> 10 Epstein he would have to notify Epstein's<br/> 11 secretary Lesley in New York who would then notify<br/> 12 Epstein's personal assistant Sarah who would relay<br/> 13 the message to Epstein.<br/> 14 A. Yeah.<br/> 15 MR. CRITTON: Form.<br/> 16 BY MR. EDWARDS:<br/> 17 Q. That's pretty much the process you<br/> 18 described?<br/> 19 A. Yes, it was normal procedure.<br/> 20 Q. Rodriguez stated Epstein did not want to<br/> 21 see or hear the staff when he was in the<br/> 22 residence?<br/> 23 MR. CRITTON: Form.<br/> 24 THE WITNESS: That's correct.<br/> 25 BY MR. EDWARDS:</p>           | <p style="text-align: right;">Page 200</p> <p>1 friends, I will say, yeah.<br/> 2 Q. Then you mentioned that you typed into<br/> 3 Google, I guess you Googled Prince Andrew and Bill<br/> 4 Clinton. Why would you pick those names, were<br/> 5 they associated with Mr. Epstein?<br/> 6 A. Yes.<br/> 7 Q. And what is your understanding as to how<br/> 8 Prince Andrew is associated with Jeffrey Epstein?<br/> 9 A. Because there were pictures with him<br/> 10 together.<br/> 11 Q. In the house?<br/> 12 A. Yes.<br/> 13 Q. Many pictures or are we talking about<br/> 14 one?<br/> 15 A. Many pictures.<br/> 16 Q. Were these pictures that looked that<br/> 17 appeared to be at social events, at Mr. Epstein's<br/> 18 house or where?<br/> 19 A. Mrs. Maxwell took him to England to<br/> 20 introduce him to the royalty.<br/> 21 Q. Is it's your understanding that Ghislaine<br/> 22 Maxwell knew Prince Andrew and introduced --<br/> 23 A. Yes.<br/> 24 Q. Is it also your understanding that at<br/> 25 some point in time Ghislaine dated or had a</p> |
| <p style="text-align: right;">Page 199</p> <p>1 Q. That's something you agree with?<br/> 2 A. Yes.<br/> 3 MR. CRITTON: Form.<br/> 4 BY MR. EDWARDS:<br/> 5 Q. Rodriguez advised Mr. Epstein had many<br/> 6 guests.<br/> 7 In addition to the girls who are roughly<br/> 8 C. and T. age who had come to the house to have a<br/> 9 good time, who were some of the other guests that<br/> 10 you know of, if you know their name?<br/> 11 MR. CRITTON: Form.<br/> 12 THE WITNESS: I mentioned Alan<br/> 13 Dershowitz.<br/> 14 BY MR. EDWARDS:<br/> 15 Q. That's a lawyer from Harvard?<br/> 16 A. Yes. The magician, David Copperfield,<br/> 17 some other lawyers from New York, you know. There<br/> 18 were some other guests.<br/> 19 Q. And how frequently would these other<br/> 20 guests come over?<br/> 21 A. Once a month, something like that.<br/> 22 Q. Okay. So if it's only once a month and<br/> 23 you were only there six months you're saying you<br/> 24 only saw six guests come over in addition to --<br/> 25 A. They have people, you know, they have</p> | <p style="text-align: right;">Page 201</p> <p>1 romantic relationship with Prince Andrew?<br/> 2 MR. CRITTON: Form.<br/> 3 THE WITNESS: I don't know that.<br/> 4 BY MR. EDWARDS:<br/> 5 Q. Do you know around what time period it<br/> 6 was that Mr. Epstein was introduced to Prince<br/> 7 Andrew?<br/> 8 A. 2003, I believe.<br/> 9 Q. How do you know that?<br/> 10 A. I've heard dates.<br/> 11 Q. From people in the Epstein group?<br/> 12 A. Yes.<br/> 13 Q. Okay.<br/> 14 MR. CRITTON: Let me note my objection,<br/> 15 move to strike, it's based on -- his<br/> 16 testimony is based on hearsay.<br/> 17 BY MR. EDWARDS:<br/> 18 Q. During the six month period of time when<br/> 19 you worked directly for Mr. Epstein, how often did<br/> 20 Mr. Epstein get together with or hangout with<br/> 21 Prince Andrew; if you know?<br/> 22 A. I didn't see him once.<br/> 23 Q. You never saw Prince Andrew at the house?<br/> 24 A. No, no, he called.<br/> 25 Q. I'm sorry, how often would he call?</p>                                                   |

51 (Pages 198 to 201)

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA

3 JANE DOE NO. 2, CASE NO: 08-CV-80119  
4 Plaintiff,  
5 Vs.  
6 JEFFREY EPSTEIN,  
7 Defendant.  
8 \_\_\_\_\_/

9 JANE DOE NO. 3, CASE NO: 08-CV-80232  
10 Plaintiff,  
11 Vs.  
12 JEFFREY EPSTEIN,  
13 Defendant.  
14 \_\_\_\_\_/

**CONDENSED**

15 JANE DOE NO. 4, CASE NO: 08-CV-80380  
16 Plaintiff,  
17 Vs.  
18 JEFFREY EPSTEIN,  
19 Defendant.  
20 \_\_\_\_\_/

21 JANE DOE NO. 5, CASE NO: 08-CV-80381  
22 Plaintiff,  
23 Vs.

24 JEFFREY EPSTEIN,  
25 Defendant.  
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| <p style="text-align: right;">Page 275</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 RICHARD WILLITS, ESQ.</p> <p>4 2290 10th Avenue North</p> <p>5 Suite 404</p> <p>6 Lake Worth, Florida 33461</p> <p>7 Attorney for C.M.A.</p> <p>8 Appeared via telephone.</p> <p>9</p> <p>10 BURMAN, CRITTON, LUTTIER &amp;</p> <p>11 COLEMAN, LLP</p> <p>12 BY: ROBERT CRITTON, ESQ.</p> <p>13 515 North Flagler Drive</p> <p>14 Suite 400</p> <p>15 West Palm Beach, Florida 33401</p> <p>16 Attorney for Jeffrey Epstein.</p> <p>17</p> <p>18 ALSO PRESENT:</p> <p>19</p> <p>20 JOE LANGSAM, VIDEOGRAPHER</p> <p>21</p> <p>22 - - -</p> <p>23</p> <p>24</p> <p>25</p>                                                                                         | <p style="text-align: right;">Page 277</p> <p>1 Deposition taken before MICHELLE PAYNE, Court</p> <p>2 Reporter and Notary Public in and for the State of</p> <p>3 Florida at Large, in the above cause.</p> <p>4</p> <p>5 THE VIDEOGRAPHER: This is a continuation</p> <p>6 of the deposition of Alfredo Rodriguez.</p> <p>7 Today is Friday, August the 7th, the year</p> <p>8 2009, starting time approximately 1:15 p.m.</p> <p>9 Will the court reporter please swear in</p> <p>10 the witness?</p> <p>11 Thereupon,</p> <p>12 ALFREDO RODRIGUEZ,</p> <p>13 having been first duly sworn or affirmed, was</p> <p>14 examined and testified as follows:</p> <p>15 MR. CRITTON: Before we get started just</p> <p>16 with regard to Ms. Ezell represents Jane Doe</p> <p>17 101 and 102, the alleged time of her</p> <p>18 incidents as of least have been plead in the</p> <p>19 complaint for 101 is '99 -- I'm sorry, '98</p> <p>20 through 2002, with Jane Doe 102 the Spring</p> <p>21 of -- Spring/Summer of 2003. Mr. Rodriguez</p> <p>22 never even began employment until '04 and</p> <p>23 '05. I think her questioning I think -- I</p> <p>24 can't say she doesn't have standing based on</p> <p>25 the court order, but I would say it's</p> |
| <p style="text-align: right;">Page 276</p> <p>1 CONTINUED INDEX OF EXAMINATION</p> <p>2</p> <p>3 WITNESS DIRECT CROSS REDIRECT RECROSS</p> <p>4 ALFREDO RODRIGUEZ</p> <p>5 (By Ms. Ezell) 278 441, 467</p> <p>6 (By Mr. Willits) 334 453, 469</p> <p>7 (By Mr. Critton) 338 464</p> <p>8 (By Mr. Edwards) 419, 454, 468</p> <p>9 (By Mr. Langino) 452</p> <p>10</p> <p>11 CONTINUED INDEX OF EXHIBITS</p> <p>12 PLAINTIFF'S PAGE</p> <p>13 3 Drawing 315</p> <p>14 4 Photograph 327</p> <p>15 5 Photograph 331</p> <p>16 6 Photograph 331</p> <p>17 7 Photograph 331</p> <p>18 8 Photograph 331</p> <p>19 9 Report 446</p> <p>20 (Exhibits 4, 5, 6, 7, and 8 were retained by Ms.</p> <p>21 Ezell.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p style="text-align: right;">Page 278</p> <p>1 completely irrelevant and immaterial and has</p> <p>2 no probative value with regard to this</p> <p>3 particular witness based upon the two</p> <p>4 clients at least that are in suit at this</p> <p>5 point in time.</p> <p>6 MS. EZELL: As Mr. Critton well knows I</p> <p>7 represent a number of other clients whose</p> <p>8 cases have not been filed and I believe we</p> <p>9 do have standing to ask questions, and I do</p> <p>10 intend to do that today.</p> <p>11 EXAMINATION</p> <p>12 BY MS. EZELL:</p> <p>13 Q. Mr. Rodriguez, you stated last time that</p> <p>14 there were guests at the house, frequent guests,</p> <p>15 friends from Harvard.</p> <p>16 Do you remember that testimony?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. And was there a lawyer from Harvard named</p> <p>19 Alan Dershowitz?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. And are you familiar with the fact that</p> <p>22 he's a famous author and famous lawyer?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. How often during the six months or so</p> <p>25 that you were there was Mr. Dershowitz there?</p>                                                                                                            |

3 (Pages 275 to 278)

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| <p style="text-align: right;">Page 279</p> <p>1 A. Two or three times.</p> <p>2 Q. And did you have any knowledge of why he</p> <p>3 was visiting there?</p> <p>4 A. No, ma'am.</p> <p>5 Q. You don't know whether or not he was a</p> <p>6 lawyer -- acting as a lawyer or whether he was</p> <p>7 there as a friend?</p> <p>8 A. I believe as a friend.</p> <p>9 Q. Were there also young ladies in the house</p> <p>10 at the time he was there?</p> <p>11 MR. CRITTON: Form.</p> <p>12 THE WITNESS: Yes, ma'am.</p> <p>13 BY MS. EZELL:</p> <p>14 Q. And would those have included, for</p> <p>15 instance, Sarah Kellen and Nadia Marcenacova?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Were there other young ladies there when</p> <p>18 Mr. Dershowitz was there?</p> <p>19 MR. CRITTON: Form.</p> <p>20 THE WITNESS: Yes, ma'am.</p> <p>21 BY MS. EZELL:</p> <p>22 Q. Do you have any idea who those young</p> <p>23 women were?</p> <p>24 A. No, ma'am.</p> <p>25 Q. Were any of those the young women that</p> | <p style="text-align: right;">Page 281</p> <p>1 Q. Can you tell me where those were?</p> <p>2 A. One in the kitchen, and the one in the</p> <p>3 formal -- the main entrance. And there was one</p> <p>4 more added later on, but there is two when I was</p> <p>5 working there.</p> <p>6 Q. Could you just give me a rough sketch of</p> <p>7 the house of where the main entrance was and where</p> <p>8 the kitchen was?</p> <p>9 A. I'm not an architect but it's something</p> <p>10 like this. This is the kitchen, this is the main</p> <p>11 entrance.</p> <p>12 Q. Will you mark the kitchen with a K,</p> <p>13 please, and the main entrance with ME?</p> <p>14 A. This is the pool.</p> <p>15 Q. The pool?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. And in the upper left?</p> <p>18 A. In the terrace, yeah, there was a balcony</p> <p>19 here.</p> <p>20 Q. And where were the staircases?</p> <p>21 A. This is one, the kitchen, one in the</p> <p>22 foyer, and the pool.</p> <p>23 Q. Okay. And would you just put an F where</p> <p>24 the foyer staircase began? And KS where the</p> <p>25 kitchen staircase began.</p> |
| <p style="text-align: right;">Page 280</p> <p>1 you have said came to give massages?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. And do you have any idea whether or not</p> <p>4 Mr. Dershowitz was also receiving massages?</p> <p>5 A. I don't know, Ma'am.</p> <p>6 Q. I want to ask you to take this piece of</p> <p>7 paper, please, and a pencil --</p> <p>8 MR. WILLITS: Can anybody hear me?</p> <p>9 MS. EZELL: Yes. Can you hear me?</p> <p>10 MR. WILLITS: I've heard nothing for</p> <p>11 about a minute or so.</p> <p>12 MR. CRITTON: Can you hear me now?</p> <p>13 MR. WILLITS: Yes.</p> <p>14 MS. EZELL: I'm asking questions, I'm</p> <p>15 sorry.</p> <p>16 MR. CRITTON: Why don't we go off the</p>                                                                                                                                                                                                                                                                                                       | <p style="text-align: right;">Page 282</p> <p>1 And you said that later another staircase</p> <p>2 was added?</p> <p>3 A. Yeah, we rehabilitated this, you know,</p> <p>4 but you asked me how many stairs there were, to</p> <p>5 answer your question there were three.</p> <p>6 Q. Three. So where was the third one?</p> <p>7 A. The pool, this leads to the pool.</p> <p>8 Through the outside master bedroom you could go</p> <p>9 downstairs to the pool.</p> <p>10 Q. Okay. A stairway then from the outside,</p> <p>11 from outside the master bedroom?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Down to the pool?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. One of your duties was to answer the</p> <p>16 door. Is that correct?</p>                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>17 record for a second.</p> <p>18 (Thereupon, a discussion was held off the</p> <p>19 record.)</p> <p>20 THE VIDEOGRAPHER: We're back on the</p> <p>21 record.</p> <p>22 BY MS. EZELL:</p> <p>23 Q. Mr. Rodriguez, you indicated that there</p> <p>24 were several staircases in the house?</p> <p>25 A. Yes, ma'am.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>17 A. Yes, ma'am.</p> <p>18 Q. Which door would you answer?</p> <p>19 A. Mainly the kitchen.</p> <p>20 Q. And why was that, why would people mainly</p> <p>21 come to the kitchen?</p> <p>22 A. I'll say it was for practicable reasons</p> <p>23 because not to go to the main -- it was shorter</p> <p>24 because the entrance was here, so this was the</p> <p>25 driveway and we used to take into the back door of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

4 (Pages 279 to 282)

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| <p style="text-align: right;">Page 423</p> <p>1 York house?</p> <p>2 A. He will have massages.</p> <p>3 MR. CRITTON: Form.</p> <p>4 BY MR. EDWARDS:</p> <p>5 Q. And are we still talking about a habit of</p> <p>6 two a day?</p> <p>7 MR. CRITTON: Form.</p> <p>8 THE WITNESS: I don't know that.</p> <p>9 BY MR. EDWARDS:</p> <p>10 Q. Okay. So for the time period when you</p> <p>11 have been familiar with Mr. Epstein and known his</p> <p>12 habits, is it fair to say that he would have</p> <p>13 roughly two girls a day in that same age group</p> <p>14 wherever he was?</p> <p>15 A. Yes.</p> <p>16 MR. CRITTON: Form.</p> <p>17 BY MR. EDWARDS:</p> <p>18 Q. All right. And have you talked to</p> <p>19 anybody that has given you similar information</p> <p>20 from his Island home?</p> <p>21 A. No.</p> <p>22 Q. Do you know any of the girls that have</p> <p>23 been over to his Island?</p> <p>24 A. Yes.</p> <p>25 Q. And who are they?</p>                                                                                                                                                                                                                             | <p style="text-align: right;">Page 425</p> <p>1 Q. And is your understanding that Mr.</p> <p>2 Epstein was intimate with any of those girls?</p> <p>3 MR. CRITTON: Form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MR. EDWARDS:</p> <p>6 Q. With all of them?</p> <p>7 MR. CRITTON: Form.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. EDWARDS:</p> <p>10 Q. With Sarah as well?</p> <p>11 A. Yes.</p> <p>12 MR. CRITTON: Form.</p> <p>13 BY MR. EDWARDS:</p> <p>14 Q. With [REDACTED]?</p> <p>15 A. Yes.</p> <p>16 MR. CRITTON: Form.</p> <p>17 BY MR. EDWARDS:</p> <p>18 Q. And the girls who would come over on the</p> <p>19 airplane?</p> <p>20 MR. CRITTON: Form.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MR. EDWARDS:</p> <p>23 Q. Did you ever have occasion to go into the</p> <p>24 bedroom and find the vibrators or back massagers</p> <p>25 out after Mr. Epstein was in the room with any of</p>                                                                                                                                                              |
| <p style="text-align: right;">Page 424</p> <p>1 A. Nadia, the girls who used to stay at the</p> <p>2 home in El Brillo used to go over there to the</p> <p>3 Island.</p> <p>4 Q. When he would have these girls -- I guess</p> <p>5 we've kind of categorized them as the girls who</p> <p>6 would come over with him on an airplane and stay</p> <p>7 at the house.</p> <p>8 A. Yes.</p> <p>9 Q. When they would be staying at the house</p> <p>10 would he also have the local Palm Beach girls</p> <p>11 coming over that you were told to call masseuses?</p> <p>12 A. Yes.</p> <p>13 Q. So these girls that came on the airplane</p> <p>14 with him, were they also -- did they also have</p> <p>15 knowledge that these young girls were coming over</p> <p>16 to give massages?</p> <p>17 MR. CRITTON: Form.</p> <p>18 THE WITNESS: Yes, sir.</p> <p>19 BY MR. EDWARDS:</p> <p>20 Q. Okay. Who are the girls from the</p> <p>21 airplane other than [REDACTED] that you remember?</p> <p>22 A. Sarah. There were so many, sir, I don't</p> <p>23 recall right now. But Sarah is for sure, [REDACTED]</p> <p>24 was one of the main girlfriends, but I don't</p> <p>25 remember that.</p> | <p style="text-align: right;">Page 426</p> <p>1 the girls that came over on the plane?</p> <p>2 MR. CRITTON: Form.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. EDWARDS:</p> <p>5 Q. So that's something that would be out</p> <p>6 after the girls that came over on the plane or the</p> <p>7 girls that came over for the massages?</p> <p>8 A. Yes.</p> <p>9 MR. CRITTON: Form.</p> <p>10 BY MR. EDWARDS:</p> <p>11 Q. And at the time when you were house</p> <p>12 manager you had a 15-year old daughter?</p> <p>13 A. Yes.</p> <p>14 Q. Did she live down here?</p> <p>15 A. In New Jersey.</p> <p>16 Q. Okay. When Alan Dershowitz was at the</p> <p>17 house I understood you to say that these local</p> <p>18 Palm Beach girls would come over to the house</p> <p>19 while he was there but you're not sure if he had a</p> <p>20 massage from any of those girls.</p> <p>21 A. Exactly.</p> <p>22 Q. And what would he do while those girls</p> <p>23 were at the house?</p> <p>24 MR. CRITTON: Form.</p> <p>25 THE WITNESS: He will read a book with a</p> |

40 (Pages 423 to 426)

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NON PARTY (VR) 000354

GIUFFRE001044



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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 427</p> <p>1 glass of wine by the pool, stay inside.<br/> 2 BY MR. EDWARDS:<br/> 3 Q. Did he ever talk to any of the girls?<br/> 4 A. I don't know, sir.<br/> 5 Q. Certainly he knew that they were there?<br/> 6 MR. CRITTON: Form.<br/> 7 THE WITNESS: I don't know, sir.<br/> 8 BY MR. EDWARDS:<br/> 9 Q. Do you know how Sarah Kellen knows Mr.<br/> 10 Epstein?<br/> 11 A. No, sir.<br/> 12 Q. Or how long she's known him?<br/> 13 MR. CRITTON: Form.<br/> 14 THE WITNESS: She was on board two years<br/> 15 or a year and a half before I came on board.<br/> 16 BY MR. EDWARDS:<br/> 17 Q. Okay.<br/> 18 A. So it's probably 2003 or 2.<br/> 19 Q. All right. You mentioned this Citrix<br/> 20 system.<br/> 21 A. Yes.<br/> 22 Q. Is that a system that was used to operate<br/> 23 the phones and the computers?<br/> 24 A. The computers mainly.<br/> 25 Q. All right. But you then also described</p>                                                                                                           | <p style="text-align: right;">Page 429</p> <p>1 usually it's Yahoo dot com or at Bellsouth dot<br/> 2 net.<br/> 3 A. It was very uncommon. I don't remember,<br/> 4 sir.<br/> 5 Q. Did everybody in the -- I think you<br/> 6 called it the organization, did everybody have<br/> 7 e-mails?<br/> 8 A. Yes.<br/> 9 Q. Okay. Would that include Nadia?<br/> 10 A. Yes.<br/> 11 Q. All right. And did Mr. Epstein have an<br/> 12 e-mail?<br/> 13 A. Yes.<br/> 14 Q. Did you ever correspond with Mr. Epstein<br/> 15 by e-mail?<br/> 16 A. Yes.<br/> 17 MR. EDWARDS: You can go ahead.<br/> 18 THE WITNESS: That's the only one that I<br/> 19 remember.<br/> 20 THE VIDEOGRAPHER: Okay, we're off the<br/> 21 record.<br/> 22 (Thereupon, a recess was had.)<br/> 23 THE VIDEOGRAPHER: We're back on the<br/> 24 record with tape number four.<br/> 25 BY MR. EDWARDS:</p>                                                                                                                                   |
| <p style="text-align: right;">Page 428</p> <p>1 some system where someone would call on the<br/> 2 telephone and that would be automatically<br/> 3 downloaded to the computer?<br/> 4 A. Yeah, you can retrieve who called in a<br/> 5 transcript written who called, what's the message,<br/> 6 the time so you have it on a piece of paper, you<br/> 7 can print it out.<br/> 8 Q. Is it your understanding that is also<br/> 9 part of the Citrix system?<br/> 10 A. Yes.<br/> 11 Q. All right. Did you have an e-mail?<br/> 12 A. Right now, yes.<br/> 13 Q. No, when you were working at --<br/> 14 A. Yes, I did.<br/> 15 Q. -- Mr. Epstein?<br/> 16 And did Sarah Kellen have an e-mail?<br/> 17 A. Yes.<br/> 18 Q. And did all of the e-mails end the same<br/> 19 way such as Epstein's house dot com or something?<br/> 20 A. Yes.<br/> 21 Q. Okay. What was Sarah Kellen's e-mail?<br/> 22 A. I don't remember.<br/> 23 Q. What was your e-mail?<br/> 24 A. Staff house -- I don't remember, sir.<br/> 25 Q. Do you recall how it ended? I mean</p> | <p style="text-align: right;">Page 430</p> <p>1 Q. Mr. Rodriguez, what was Mr. Epstein's<br/> 2 e-mail?<br/> 3 A. Jeep project at something -- Jeep<br/> 4 project -- I can't remember it right now.<br/> 5 Q. Okay. In the course of this next 10 or<br/> 6 15 minutes --<br/> 7 A. I can recall.<br/> 8 Q. -- if it comes to you just tell me. So<br/> 9 it was Jeep project --<br/> 10 A. Like Jeep, the brand name Jeep, Jeep<br/> 11 project at -- I can't remember.<br/> 12 Q. Okay. Was that his only e-mail to your<br/> 13 knowledge?<br/> 14 A. No.<br/> 15 Q. He had other e-mail addresses?<br/> 16 A. Yes.<br/> 17 Q. Do you know what any of his other e-mail<br/> 18 addresses were?<br/> 19 A. No, I don't remember.<br/> 20 Q. Do you know who the carriers were for the<br/> 21 other e-mail addresses owned by Jeffrey Epstein?<br/> 22 A. No, sir.<br/> 23 Q. Whether it was Yahoo or hot mail or --<br/> 24 A. No, none of those.<br/> 25 Q. Okay. Was this Jeep project e-mail run</p> |

41 (Pages 427 to 430)

**McCAWLEY DECLARATION**

**COMPOSITE**

**EXHIBIT 9**

**(Filed Under Seal)**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-CV-80893-CIV-MARRA/JOHNSON

JANE DOE,

Plaintiff,

vs.

JEFFREY EPSTEIN, et al.,

Defendants.

---

Related Cases:

08-80119, 08-80232, 08-80380, 08-80381,  
08-80994, 08-80811, 08-80893, 09-80469,  
09-8-591, 09-80656, 09-80802, 09-81092

VIDEOTAPED DEPOSITION OF NADIA MARCINKOVA  
TAKEN ON BEHALF OF THE PLAINTIFF

DATE: April 13, 2010

54

1 A Fifth.

2 Q Do you know Bill Clinton?

3 A Fifth.

4 Q You have been on Jeffrey Epstein's

5 airplane with Bill Clinton?

6 MR. YAREMA: Object to the form.

7 A Fifth.

8 Q Isn't take true you have been on Jeffrey

9 Epstein's airplane with Doug Band, Bill Clinton's

10 righthand man?

11 MR. YAREMA: Object to the form.

12 A Fifth.

13 Q Have you witnessed improper sexual

14 activity between Jeffrey Epstein and minors,

15 while he was in the presence of Bill Clinton?

16 MR. YAREMA: Object to the form.

17 A Fifth.

18 Q How many times have you ridden on the

19 airplane with Jean Luc Brunel?

20 MR. YAREMA: Object to the form.

21 A Fifth.

22 Q Each time that Jean Luc Brunel visits

23 Jeffrey Epstein's house, does he bring underage

24 minors to Jeffrey Epstein's house to engage in

25 sex with?

55

1 MR. YAREMA: Object to the form.

2 A Fifth.

3 Q Do you know Glenn Dubin?

4 A Fifth.

5 Q Do you know Aline Weber?

6 A Fifth.

7 Q Is that somebody that was a sexual abuse

8 victim at one point in time of Jeffrey Epstein

9 and Jean Luc Brunel?

10 MR. YAREMA: Object to the form.

11 A Fifth.

12 Q Between 2002 and 2005 when E.W. was

13 abused by Jeffrey Epstein sexually, isn't it true

14 that Jeffrey Epstein took flights to Palm Beach

15 for the purposes of sexually abusing E.W.?

16 MR. YAREMA: Object to the form.

17 A Fifth.

18 Q And between those same years of 2002 and

19 2005, isn't it true that Jeffrey Epstein took

20 airplane flights to Palm Beach from places

21 outside of the State, to engage in sexual acts

22 with L.M.?

23 MR. YAREMA: Object to the form.

24 A Fifth.

25 Q From 2003 through 2005, isn't it true

56

1 Jeffrey Epstein specifically flew to Palm Beach

2 for the purposes of engaging in sex acts with

3 Jane Doe?

4 MR. YAREMA: Object to the form.

5 A Fifth.

6 Q Generally, isn't it true Jeffrey Epstein

7 would fly from place to place for the purpose of

8 engaging in sexual activity with minors at his

9 destination?

10 MR. YAREMA: Object to the form.

11 A Fifth.

12 Q Isn't it true that he employed numerous

13 people for the sole purpose of scheduling

14 appointments with underage minor females at each

15 destination he landed?

16 MR. YAREMA: Object to the form.

17 A Fifth.

18 Q What is Jeffrey Epstein's relationship

19 with Sandy Berger?

20 MR. YAREMA: Object to the form.

21 A Fifth.

22 Q Do you know what Jeffrey Epstein's

23 relationship is with Alan Dershowitz?

24 MR. YAREMA: Object to the form.

25 A Fifth.

57

1 Q That's somebody who you know to have

2 stayed at Jeffrey Epstein's house on many

3 occasions, correct?

4 MR. YAREMA: Object to the form.

5 A Fifth.

6 Q And also somebody who you know to have

7 been at the house when E.W. was in Jeffrey

8 Epstein's bedroom getting sexually abused,

9 correct?

10 MR. YAREMA: Object to the form.

11 A Fifth.

12 Q Alan Dershowitz is also somebody that

13 you also know to have been at the house when L.M.

14 was being sexually abused in Jeffrey Epstein's

15 bedroom, correct?

16 MR. YAREMA: Object to the form.

17 A Fifth.

18 Q Generally, Alan Dershowitz is familiar

19 with Jeffrey Epstein's habit of engaging in

20 sexual acts with minors on a daily basis,

21 correct?

22 MR. YAREMA: Object to the form.

23 A Fifth.

24 Q When Alan Dershowitz was in town,

25 Jeffrey Epstein did not break his schedule for

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">58</p> <p>1 Alan Dershowitz, meaning he continued to sexually</p> <p>2 abuse minors despite Alan Dershowitz being a</p> <p>3 guest in the house?</p> <p>4 MR. YAREMA: Object to the form.</p> <p>5 A Fifth.</p> <p>6 Q Alan Dershowitz never engaged in any</p> <p>7 sexual activity with these underage minors; isn't</p> <p>8 that true?</p> <p>9 MR. YAREMA: Object to the form.</p> <p>10 A Fifth.</p> <p>11 Q Have you been made to have sex with</p> <p>12 Ghislaine Maxwell?</p> <p>13 MR. YAREMA: Object to the form.</p> <p>14 A Fifth.</p> <p>15 Q Do you know Emmy Taylor?</p> <p>16 A Fifth.</p> <p>17 Q Similar to you being Jeffrey Epstein's</p> <p>18 sex slave, is Emmy Taylor, or was Emmy Taylor</p> <p>19 Ghislaine Maxwell's sex slave?</p> <p>20 MR. YAREMA: Object to the form.</p> <p>21 A Fifth.</p> <p>22 Q Ghislaine Maxwell is somebody who you</p> <p>23 know to be bi-sexual, true?</p> <p>24 MR. YAREMA: Object to the form.</p> <p>25 A Fifth.</p>                                                                                      | <p style="text-align: right;">60</p> <p>1 Q What was the purpose of that flight?</p> <p>2 MR. YAREMA: Object to the form.</p> <p>3 A Fifth.</p> <p>4 Q Did you sign a confidentiality agreement</p> <p>5 with Jeffrey Epstein?</p> <p>6 MR. YAREMA: Object to the form.</p> <p>7 A Fifth.</p> <p>8 Q When is the last time that you observed</p> <p>9 Jeffrey Epstein have sex with a minor?</p> <p>10 MR. YAREMA: Object to the form.</p> <p>11 A Fifth.</p> <p>12 Q Since being on probation, has Jeffrey</p> <p>13 Epstein been able to, or has he flown to his</p> <p>14 island?</p> <p>15 MR. YAREMA: Object to the form.</p> <p>16 A Fifth.</p> <p>17 Q To your knowledge, has Jeffrey Epstein</p> <p>18 flown to New York while on probation or community</p> <p>19 control?</p> <p>20 MR. YAREMA: Object to the form.</p> <p>21 A Fifth.</p> <p>22 Q Isn't it true that he has flown both to</p> <p>23 New York and to his island, and you have</p> <p>24 accompanied him on those trips, since he was on</p> <p>25 community control?</p>                                                                              |
| <p style="text-align: right;">59</p> <p>1 Q You know that Ghislaine Maxwell engaged</p> <p>2 in sexual acts with underage minor females, true?</p> <p>3 MR. YAREMA: Object to the form.</p> <p>4 A Fifth.</p> <p>5 Q This is yet another friend of Jeffrey</p> <p>6 Epstein's that is into the act of molesting</p> <p>7 underage minor females, right?</p> <p>8 MR. YAREMA: Object to the form.</p> <p>9 A Fifth.</p> <p>10 Q Now, you are the next participant in</p> <p>11 that activity, meaning you have been groomed to</p> <p>12 enjoy and appreciate the acts of sex with</p> <p>13 underage minors, true?</p> <p>14 MR. YAREMA: Object to the form.</p> <p>15 A Fifth.</p> <p>16 Q Has Jeffrey Epstein instructed you to</p> <p>17 lie to his Probation Officer in any way?</p> <p>18 MR. YAREMA: Object to the form.</p> <p>19 A Fifth.</p> <p>20 Q Mr. Visoski testified that you took a</p> <p>21 helicopter flight within the last year with</p> <p>22 Jeffrey Epstein to Miami. Do you remember that</p> <p>23 flight?</p> <p>24 MR. YAREMA: Object to the form.</p> <p>25 A Fifth.</p> | <p style="text-align: right;">61</p> <p>1 MR. YAREMA: Object to the form.</p> <p>2 A Fifth.</p> <p>3 Q Isn't it also true that Jeffrey Epstein</p> <p>4 has indicated to you that he will always engage</p> <p>5 in sex acts with underage minor females?</p> <p>6 MR. YAREMA: Object to the form.</p> <p>7 A Fifth.</p> <p>8 Q In fact, that's something that he has</p> <p>9 told you, that he believes he is entitled to do;</p> <p>10 isn't that right?</p> <p>11 MR. YAREMA: Object to the form.</p> <p>12 A Fifth.</p> <p>13 Q Isn't it true that Jeffrey Epstein</p> <p>14 believes and has told you that if he doesn't</p> <p>15 physically force the underage minor female into</p> <p>16 any act, then he is entitled to engage in sex</p> <p>17 with any underage minor female despite the age?</p> <p>18 MR. YAREMA: Object to the form.</p> <p>19 A Fifth.</p> <p>20 Q What is the youngest female you have</p> <p>21 witnessed or observed Jeffrey Epstein to engage</p> <p>22 in sex with?</p> <p>23 MR. YAREMA: Object to the form.</p> <p>24 A Fifth.</p> <p>25 Q Do you have a bank account at Chase Bank</p> |



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-CIV-80119-MARRA/JOHNSON

JANE DOE NO. 2,  
Plaintiff,-vs- VOLUME II OF III  
JEFFREY EPSTEIN,  
Defendant.

## Related cases:

08-80232, 08-08380, 08-80381, 08-80994  
08-80993, 08-80811, 08-80893, 09-80469  
09-80591, 09-80656, 09-80802, 09-81092VIDEOTAPED DEPOSITION OF  
SARAH KELLENWednesday, March 24, 2010  
10:37 - 6:51 p.m.  
250 Australian Avenue South  
Suite 1500  
West Palm Beach, Florida 33401Reported By:  
Cynthia Hopkins, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting  
Job No.: 1484

Page 189

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CASE NO. 502008CA028051XXXXMB AB

L.M.,

Plaintiff,

-vs- VOLUME II OF III

JEFFREY EPSTEIN,

Defendant.

## VIDEOTAPED DEPOSITION OF SARAH KELLEN

Wednesday, March 24, 2010  
10:37 - 6:51 p.m.250 Australian Avenue South  
West Palm Beach, Florida 33401Reported By:  
Cynthia Hopkins, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting

Page 188

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CASE NO. 502008CA028058XXXXMB AD

E.W.,

Plaintiff,

-vs- VOLUME II OF III

JEFFREY EPSTEIN,

Defendant.

## DEPOSITION OF SARAH KELLEN

Wednesday, March 24, 2010  
10:37 - 6:51 p.m.250 Australian Avenue South  
West Palm Beach, Florida 33401Reported By:  
Cynthia Hopkins, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting

Page 190

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL  
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA  
CASE No. 502008CA037319XXXXMB AB

B.B.

Plaintiff,

-vs- VOLUME II OF III

JEFFREY EPSTEIN  
AND SARAH KELLEN,

Defendants.

VIDEOTAPED DEPOSITION OF  
SARAH KELLENWednesday, March 24, 2010  
10:37 - 6:51 p.m.250 Australian Avenue South  
Suite 1500  
West Palm Beach, Florida 33401Reported By:  
Cynthia Hopkins, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting Services  
Job No.: 1484

1 (Pages 187 to 190)



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1 the shape of a penis and vagina. Once again, not  
2 necessarily with respect to Mr. Epstein's home, in  
3 your entire life have you ever seen soap in the  
4 shape of a penis and vagina?

5 A. Not that I recall.

6 Q. Do you ever recall being in Ohio?

7 MR. RHEINHART: Ever in her life?

8 MR. KUVIN: The state, ever in her life.

9 BY MR. KUVIN:

10 Q. Let's start there, recall being in the  
11 State of Ohio for any reason?

12 A. Maybe for a layover, but not that I  
13 specifically remember.

14 Q. Okay. Do you know an Ivan Robles?

15 A. No.

16 Q. Have you seen a gentleman by the name of  
17 Alan Dershowitz at the home of Jeffrey Epstein  
18 before?

19 MR. RHEINHART: Objection to the form.  
20 Standing objection, presumes knowledge of  
21 Jeffrey Epstein or his home. Instruct the  
22 witness not to answer.

23 THE WITNESS: On the instruction of my  
24 lawyer, I must exercise my Fifth Amendment  
25 right.

Page 212

1 BY MR. KUVIN:

2 Q. Have you ever heard of the El Zorro Ranch  
3 Corporation?

4 MR. RHEINHART: Instruct the witness not  
5 to answer based on her Fifth Amendment  
6 privilege.

7 THE WITNESS: On the instruction of my  
8 lawyer I must exercise my Fifth Amendment  
9 right.

10 BY MR. KUVIN:

11 Q. Have you ever heard of the New York  
12 Strategy Group?

13 MR. RHEINHART: Same instruction.

14 THE WITNESS: On the instruction of my  
15 lawyer, I must invoke my Fifth Amendment right.

16 BY MR. KUVIN:

17 Q. Have you ever heard of the Ghislaine  
18 Corporation?

19 MR. RHEINHART: Same instruction.

20 THE WITNESS: On the instruction of my  
21 lawyer, I must invoke my Fifth Amendment right.

22 BY MR. KUVIN:

23 Q. Have you ever heard of the Financial  
24 Strategy Group?

25 MR. RHEINHART: Same instruction.

Page 213

1 THE WITNESS: On the instruction of my  
2 lawyer, I must invoke my Fifth Amendment right.

3 BY MR. KUVIN:

4 Q. Do you agree that these corporations that  
5 I just mentioned were utilized by Jeffrey Epstein in  
6 an attempt to have sexual relationships with  
7 underage girls?

8 MR. RHEINHART: Objection to the form as  
9 to compound, and also assumes knowledge of  
10 Mr. Epstein, asks for more than one answer to  
11 the question. I would instruct her not to  
12 answer based on her Fifth Amendment privilege  
13 because the question assumes knowledge of  
14 Mr. Epstein.

15 THE WITNESS: Upon instruction of my  
16 lawyer I must invoke my Fifth Amendment right.

17 MR. KUVIN: I think I am done. Hang on  
18 one second.

19 All right. I appreciate it. That's all  
20 the questions I have at this time. Reserve the  
21 right to ask any follow-up questions if other  
22 attorneys raise new and different issues by  
23 their questioning.

24 MR. RHEINHART: Understood.

25 MR. KUVIN: Pass the witness at this time.

Page 214

1 Who wants to go? Mr. Horowitz, do you have a  
2 microphone?

3 MR. HOROWITZ: I do.

4 CROSS (SARAH KELLEN)

5 BY MR. HOROWITZ:

6 Q. Ms. Kellen, did you use the telephone  
7 number, the [REDACTED] at any time between 2001  
8 and 2006?

9 A. On the advice of my lawyer, I must exercise my  
10 Fifth Amendment right.

11 Q. Did you use the telephone number  
12 [REDACTED] between 2001 and 2006 at Jeffrey  
13 Epstein's expense?

14 MR. RHEINHART: Objection to the form in  
15 that it assumes knowledge of Jeffrey Epstein.  
16 Standing objection as previously stated with  
17 Mr. Kuvin. Instruct the witness not to answer,  
18 based on her Fifth Amendment right.

19 THE WITNESS: On the instruction of my  
20 lawyer, I must exercise my Fifth Amendment  
21 right.

22 BY MR. HOROWITZ:

23 Q. Did you use the telephone number  
24 [REDACTED] at Jeffrey Epstein's direction?

25 MR. RHEINHART: Same objection as the

7 (Pages 211 to 214)



Page 315

1 So can we focus on the specific questions  
2 that she can answer or from which you can draw  
3 an adverse inference if asked properly, and  
4 let's move it along.

5 MS. EZELL: Each young woman's case is an  
6 individual case, and we have the right to ask,  
7 ask whatever questions that we need to with  
8 regard to each one.

9 MR. RHEINHART: I--

10 MR. GOLDBERGER: Let's just go forward  
11 until 5:00 and see where we're at.

12 BY MR. WEISSING:

13 Q. Did you know that Jeffrey Epstein received  
14 sexual gratification from directing others to  
15 sexually abuse minor children?

16 MR. RHEINHART: Objection to the form.

17 THE WITNESS: On the instruction of my  
18 lawyer, I must invoke the Fifth Amendment  
19 right.

20 BY MR. WEISSING:

21 Q. Did you know that Jeffrey Epstein received  
22 sexual gratification from directing Marcinkova to  
23 sexually abuse minor children?

24 MR. RHEINHART: Objection to the form. It  
25 assumes knowledge of a person named Marcinkova.

Page 316

1 It is otherwise compound and objectionable.

2 THE WITNESS: On the instruction of my  
3 lawyer, I must invoke my Fifth Amendment right.

4 MR. WEISSING: Let's go off the record for  
5 a moment.

6 THE VIDEOGRAPHER: Are we all good with  
7 going off the record?

8 MR. RHEINHART: Yeah, that's fine.

9 MR. HOROWITZ: Yes.

10 THE VIDEOGRAPHER: We're now off the  
11 record at 4:22 p.m.

12 (A brief recess was held.)

13 THE VIDEOGRAPHER: We are now on the  
14 record. It is 4:24 p.m.

15 BY MR. WEISSING:

16 Q. Do you know Nadia Marcinkova?

17 MR. KUVIN: Marcinkova.

18 THE WITNESS: On the instruction of my  
19 lawyer, I must invoke my Fifth Amendment  
20 privilege.

21 BY MR. WEISSING:

22 Q. Do you know -- have you procured minor  
23 children to have sexual relations with  
24 Nadia Marcinkova at Jeffrey Epstein's mansion?

25 MR. RHEINHART: Objection to the form.

Page 317

1 THE WITNESS: On the instruction of my  
2 lawyer, I must invoke my Fifth Amendment  
3 privilege.

4 BY MR. WEISSING:

5 Q. Do you know Alan Dershowitz?

6 MR. RHEINHART: The question was asked and  
7 answered about three-and-a-half hours ago.

8 THE WITNESS: On the instruction of my  
9 lawyer, I must invoke my Fifth Amendment  
10 privilege.

11 BY MR. WEISSING:

12 Q. Do you know David Copperfield?

13 MR. RHEINHART: That question was asked  
14 about three-and-a-half-hours ago.

15 THE WITNESS: On the instruction of my  
16 lawyer, I must invoke my Fifth Amendment  
17 privilege.

18 BY MR. WEISSING:

19 Q. In addition to his place at, in Palm  
20 Beach, are you aware that Jeffrey Epstein has an  
21 apartment located at 301 East 66th Street, Apartment  
22 14G through E in New York?

23 MR. RHEINHART: That question was asked  
24 about four hours ago. It's been asked and  
25 answered.

Page 318

1 THE WITNESS: At the instruction of my  
2 lawyer, I invoke my Fifth Amendment privilege.

3 BY MR. WEISSING:

4 Q. While in New York, have you procured  
5 underage minor children to engage in sexual acts  
6 with Jeffrey Epstein at that location?

7 MR. RHEINHART: Object to the form.

8 THE WITNESS: On the instruction of my  
9 lawyer, I must invoke my Fifth Amendment  
10 privilege.

11 BY MR. WEISSING:

12 Q. With regard to the minor children procured  
13 for him at that location, were they school children  
14 in the New York area?

15 MR. RHEINHART: The previous question,  
16 objection to the form. The same as all the  
17 previous questions, it assumes a fact that's  
18 not been established. It can't fairly be  
19 answered.

20 THE WITNESS: On the instruction of my  
21 lawyer, I must invoke my Fifth Amendment  
22 privilege.

23 BY MR. WEISSING:

24 Q. Did Jeffrey Epstein have sexual encounters  
25 with underage people while at that apartment?

33 (Pages 315 to 318)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 08-CIV-80119-MARRA/JOHNSON

JANE DOE NO. 2,

Plaintiff,

-vs-

VOLUME III OF III

JEFFREY EPSTEIN,

Defendant.

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Related cases:

08-80232, 08-08380, 08-80381, 08-80994  
08-80993, 08-80811, 08-80893, 09-80469  
09-80591, 09-80656, 09-80802, 09-81092

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VIDEOTAPED DEPOSITION OF  
SARAH KELLEN

Wednesday, March 24, 2010  
10:37 - 6:51 p.m.

250 Australian Avenue South  
Suite 1500  
West Palm Beach, Florida 33401

Reported By:  
Rachel W. Bridge, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting Services  
Job No.: 1484



Page 433

1 know what the Edge Group was, but whatever, you can  
2 answer the question.

3 THE WITNESS: At the instruction of my lawyer,  
4 I must choose to invoke my Fifth Amendment right.

5 BY MS. EZELL:

6 Q. Do you know Max Brockman?

7 MR. REINHART: I'm sorry, can you repeat?

8 BY MS. EZELL:

9 Q. Do you know a Max Brockman?

10 MR. REINHART: I believe that was asked and  
11 answered already, but --

12 THE WITNESS: At the instruction of my lawyer,  
13 I must invoke my Fifth Amendment right.

14 BY MS. EZELL:

15 Q. Have you ever been photographed with Max  
16 Brockman at an Edge Science dinner?

17 A. At the instruction of my lawyer, I must invoke  
18 my Fifth Amendment right.

19 MR. REINHART: You should let me -- I need to  
20 object to the form of the question first, but go  
21 ahead. I know we all want to get out of here. Go  
22 ahead.

23 THE WITNESS: Say it again.

24 MR. REINHART: No, you are okay. Go ahead,  
25 Ms. Ezell. Thank you.

Page 434

1 BY MS. EZELL:

2 Q. Do you know whether Jeffrey Epstein attended  
3 the Edge Science dinner in Monterey, California?

4 MR. REINHART: Objection to the form, lack of  
5 foundation. Instruct the witness not to answer.

6 THE WITNESS: At the instruction of my lawyer,  
7 I must invoke my Fifth Amendment right.

8 BY MS. EZELL:

9 Q. You testified a moment ago that you were  
10 photographed nude by your boyfriend or a former  
11 boyfriend and that you hoped there are no photographs  
12 disseminated elsewhere.

13 At what age were those photographs taken?

14 MR. REINHART: I'm going to instruct her not  
15 to answer that. It has nothing to do with  
16 anything. It's not reasonably calculated to lead  
17 to discoverable evidence. We can move on.

18 BY MS. EZELL:

19 Q. Were you in any way damaged by that  
20 experience?

21 MR. REINHART: Same instruction. Let's move  
22 on.

23 BY MS. EZELL:

24 Q. Do you have any regrets?

25 MR. REINHART: Same instruction. Move on.

Page 435

1 BY MS. EZELL:

2 Q. Do you want to respond? I didn't give you  
3 time.

4 MR. REINHART: I've instructed her not to  
5 answer the question. Let's move on.

6 BY MS. EZELL:

7 Q. Do you recall a dinner at El Brillo Way  
8 attended by David Copperfield where Jane No. 103 was a  
9 guest?

10 MR. REINHART: Objection to the form, lack of  
11 foundation, and a standing objection as to her  
12 knowledge of anything involving El Brillo Way or  
13 Jeffrey Epstein. Instruct her not to answer.

14 THE WITNESS: At the instruction of my lawyer,  
15 I must invoke my Fifth Amendment right.

16 BY MS. EZELL:

17 Q. What is the relationship between Jeffrey  
18 Epstein and David Copperfield?

19 MR. REINHART: Objection to form, lack of  
20 foundation as to her knowledge of either one of  
21 those people. Instruct her not to answer.

22 THE WITNESS: At the instruction of my lawyer,  
23 I must invoke my Fifth Amendment right.

24 BY MS. EZELL:

25 Q. To your knowledge, do they recruit girls for

Page 436

1 one another?

2 MR. REINHART: Object to the form, compound,  
3 and again, lack of foundation. Instruct her not to  
4 answer.

5 THE WITNESS: At the instruction of my lawyer,  
6 I must invoke my Fifth Amendment right.

7 BY MS. EZELL:

8 Q. To your knowledge, are they involved in any  
9 sexual trafficking of young women?

10 MR. REINHART: Object to the form for the  
11 reasons previously stated. Also calls for a legal  
12 conclusion as to what sexual trafficking is.  
13 Instruct her not to answer.

14 THE WITNESS: At the instruction of my lawyer,  
15 I must invoke my Fifth Amendment right.

16 BY MS. EZELL:

17 Q. I believe you asked about Allen Dershowitz  
18 earlier.

19 MR. REINHART: Twice.

20 BY MS. EZELL:

21 Q. And were instructed not to answer.

22 MR. REINHART: Twice.

23 BY MS. EZELL:

24 Q. All right. I'm going to ask again on behalf  
25 of my client. Are you aware of the friendship between

18 (Pages 433 to 436)



Page 437

1 Allen Dershowitz and Jeffrey Epstein?

2 MR. REINHART: And for the third time, I'll  
3 object to the form and instruct her not to answer  
4 the question.

5 THE WITNESS: For the third time, I take the  
6 advice of my lawyer and invoke my Fifth Amendment  
7 right.

8 BY MS. EZELL:

9 Q. When Allen Dershowitz comes to Palm Beach, he  
10 stays at the El Brillo mansion, doesn't he?

11 MR. REINHART: Objection to the form. There  
12 is no foundation for her having any knowledge of  
13 anything having to do with a person by the name of  
14 Allen Dershowitz. I instruct her not to answer.

15 THE WITNESS: At the instruction of my lawyer,  
16 I must invoke my Fifth Amendment right.

17 BY MS. EZELL:

18 Q. When Allen Dershowitz, or has Allen Dershowitz  
19 ever been there when young ladies came to give massages?

20 MR. REINHART: Same objection stated to the  
21 previous question. Same instruction.

22 THE WITNESS: At the instruction of my lawyer,  
23 I must invoke my Fifth Amendment right.

24 BY MS. EZELL:

25 Q. Has Allen Dershowitz ever been the beneficiary

Page 438

1 of those massages?

2 MR. REINHART: Same objection and same  
3 instruction.

4 THE WITNESS: At the instruction of my lawyer,  
5 I must invoke my Fifth Amendment right.

6 BY MS. EZELL:

7 Q. Do you know John Casablanca?

8 A. Never heard that name before.

9 Q. Have you ever heard of a world-famous  
10 illusionist whose stage name is David Copperfield?

11 MR. REINHART: That's also been asked at least  
12 three times. I'll instruct her again not to answer  
13 the question.

14 THE WITNESS: At the instruction of my lawyer,  
15 I must invoke my Fifth Amendment right.

16 BY MS. EZELL:

17 Q. Have you ever gone to one of David  
18 Copperfield's shows?

19 MR. REINHART: Objection to form, lack of  
20 foundation as to knowledge of any person by the  
21 name of David Copperfield. Instruct her not to  
22 answer.

23 THE WITNESS: At the instruction of my lawyer,  
24 I must invoke my Fifth Amendment right.

25

Page 439

1 BY MS. EZELL:

2 Q. Do you know that when David Copperfield is in  
3 town, he gives Jeffrey Epstein tickets and Jeffrey gives  
4 some to young women to attend those shows?

5 MR. REINHART: Object to the form, multiple,  
6 compound question, and a complete lack of  
7 foundation. Instruct the witness not to answer.

8 THE WITNESS: At the instruction of my lawyer,  
9 I must invoke my Fifth Amendment right.

10 BY MS. EZELL:

11 Q. And do you know that those girls are invited  
12 back stage after the show?

13 MR. REINHART: Same objection, complete lack  
14 of foundation, and standing objection previously  
15 stated.

16 THE WITNESS: At the instruction of my lawyer,  
17 I must invoke my Fifth Amendment right.

18 BY MS. EZELL:

19 Q. Do you remember on or about, in or about March  
20 of 2005 having conversations with one of the young women  
21 who came to the house to give massages about her  
22 conversations with Jane No. 103?

23 MR. REINHART: Objection to the form, standing  
24 objection, lack of foundation. Instruct the  
25 witness not to answer, because the question implies

Page 440

1 that she has any knowledge at all of El Brillo Way.

2 BY MS. EZELL:

3 Q. Same question -- sorry.

4 A. At the instruction of my lawyer, I must choose  
5 to invoke my Fifth Amendment privilege.

6 Q. Same question as to March of 2006.

7 MR. REINHART: Same objection and same  
8 instruction.

9 THE WITNESS: At the instruction of my lawyer,  
10 I must choose to invoke my Fifth Amendment  
11 privilege.

12 BY MS. EZELL:

13 Q. Do you have any recollection of a conversation  
14 in which one of the young women told Jane No. 103 that  
15 those girls who, those girls who would help Jeffrey in  
16 regard to the investigation would be compensated and  
17 those who would not or who would hurt him in the  
18 investigation would be dealt with?

19 MR. REINHART: Objection to the form, lack of  
20 foundation, compound question. Instruct the  
21 witness not to answer, because the question implies  
22 some knowledge of anything relating to a person by  
23 the name of Jeffrey Epstein.

24 THE WITNESS: At the instruction of my lawyer,  
25 I must invoke my Fifth Amendment right.

19 (Pages 437 to 440)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-CV-80893-CIV-MARRA/JOHNSON

---

JANE DOE,

Plaintiff,

vs.

JEFFREY EPSTEIN, et al.,

Defendants.

---

DEPOSITION OF ADRIANA ROSS

Volume 1 of 1

Pages 1 through 138

Videotaped

Monday, March 15, 2010

10:13 a.m. - 12:42 p.m.

U.S. Legal Support

515 East Las Olas Boulevard, 3rd Floor  
Fort Lauderdale, Florida 33301

Stenographically Reported By:  
Janet L. McKinney, RPR, FPR, CLR

Registered Professional Reporter

Florida Professional Reporter

Certified LiveNote Reporter



34

1 A. I refuse to answer.

2 Q. And Jeffrey Epstein and/or Ghislaine Maxwell

3 obtained and purchased passports for 15-year-old Jane

4 Doe 102 to transport her to Palm Beach, New York City,

5 Santa Fe, Los Angeles, San Francisco, St. Louis, as

6 well as Europe, the Caribbean, and Africa; are you

7 aware of that?

8 A. I refuse to answer.

9 MR. PIKE: Form.

10 Q. It's also alleged that Jeffrey Epstein in

11 addition to molesting Jane Doe 102 along with Ghislaine

12 Maxwell forced her to have sex with other models,

13 actresses, and celebrities?

14 A. I refuse to answer.

15 MR. PIKE: Form.

16 Q. It also indicates that Jeffrey Epstein

17 transported other minor girls from Turkey, the Czech

18 Republic, Asia, and other countries. Are you aware of

19 that?

20 MR. PIKE: Form.

21 A. I refuse to answer.

22 Q. Is Jeffrey Epstein involved in the

23 international child sex trade?

24 MR. PIKE: Form.

25 A. I refuse to answer.

35

1 Q. Is Jean Luc Brunel his partner in that

2 international child sex trade?

3 MR. PIKE: Form.

4 A. I refuse to answer.

5 Q. Are you aware that after -- that Jeffrey

6 Epstein forced Jane Doe 102 to have sex with other

7 adult male peers including royalty, politicians,

8 academicians, businessmen and/or other professional and

9 personal acquaintances of Jeffrey Epstein's?

10 MR. PIKE: Form.

11 A. I refuse to answer.

12 Q. Is that something that he did with girls other

13 than Jane Doe 102?

14 MR. PIKE: Form.

15 A. I refuse to answer.

16 Q. Aren't you familiar with Jeffrey Epstein's

17 practice of pimping out underage minor females to other

18 people that have the same sexual obsession with

19 underage minors?

20 MR. PIKE: Form.

21 A. I refuse to answer.

22 Q. And doesn't he benefit financially from that

23 sex trade?

24 MR. PIKE: Form.

25 A. I refuse to answer.

36

1 Q. Jane Doe 102 ultimately escaped from him and

2 left to Australia, is that your understanding?

3 A. I refuse to answer.

4 MR. PIKE: Form.

5 Q. Have you ever spoken with Jane Doe 102?

6 A. I refuse to answer.

7 Q. On one of Epstein's birthdays a friend of

8 Jeffrey Epstein sent to him 12 -- three 12-year-old

9 girls from France who spoke no English for Epstein to

10 sexually exploit and abuse and after doing so he sent

11 them back to France the next day. Are you familiar

12 with that?

13 MR. PIKE: Form.

14 A. I refuse to answer.

15 Q. Isn't that something that is fairly common for

16 Mr. Epstein?

17 A. I refuse to answer.

18 MR. PIKE: Form.

19 Q. Who are the friends that send to Jeffrey

20 Epstein underage minor females for his birthday so that

21 he can abuse?

22 A. I refuse to answer.

23 MR. PIKE: Form.

24 Q. Is one of those friends Jean Luc Brunel?

25 A. I refuse to answer.

37

1 Q. Have you ever met Prince Andrew?

2 A. I refuse to answer.

3 Q. Has Prince Andrew been involved with underage

4 minor females to your knowledge?

5 A. I refuse to answer.

6 Q. Have you ever met Alan Dershowitz?

7 A. I refuse to answer.

8 Q. When Alan Dershowitz stays at Jeffrey

9 Epstein's house isn't it true that he has been at the

10 house when underage minor females have been in the

11 bedroom with Jeffrey Epstein?

12 A. I refuse to answer.

13 Q. Has -- are you familiar with the media

14 publication or online resource RadarOnline?

15 A. I refuse to answer.

16 Q. Is that something that you assisted

17 Mr. Epstein with when he purchased RadarOnline?

18 A. I refuse to answer.

19 Q. And do you know his business partner in that

20 endeavor?

21 A. I refuse to answer.

22 Q. Isn't it also true that he used RadarOnline as

23 another way to gain access to underage minor females

24 for sex?

25 MR. PIKE: Form.

10 (Pages 34 to 37)



78

1 underage minor females staying at those various  
2 condominiums located at 301 East 66th Street?  
3 A. I refuse to answer.  
4 Q. And those females get work visas to say that  
5 they're models, but actually they are prostituted out  
6 by Jeffrey Epstein and John Lac Brunel, correct?  
7 A. I refuse to answer.  
8 MR. PIKE: Form.  
9 Q. And various businessmen and politicians around  
10 New York and Washington, D.C. go to those apartments  
11 frequently to have sex with underage minors; is that  
12 true?  
13 A. I refuse to answer.  
14 Q. Do you remember a flight on December 3rd, 2004  
15 that you took with Jeffrey Epstein, Nadia Marcinkova,  
16 Sarah Kellen, and somebody with initials SH --  
17 A. I refuse to answer.  
18 Q. -- from JFK to PBI?  
19 MR. PIKE: Form.  
20 Q. Do you remember that?  
21 A. I refuse to answer.  
22 Q. Who is SH?  
23 A. I refuse to answer.  
24 Q. Is that an underage minor?  
25 A. I refuse to answer.

79

1 Q. Do you remember a flight that you took  
2 December 27th with Nadia Marcinkova and Jeffrey  
3 Epstein?  
4 A. I refuse to answer.  
5 Q. What airport is this, TIST?  
6 A. I refuse to answer.  
7 Q. Do you know Doug Band?  
8 A. I refuse to answer.  
9 Q. Isn't that Bill Clinton's assistant?  
10 A. I refuse to answer.  
11 Q. You've been on the airplane with him before?  
12 A. I refuse to answer.  
13 Q. Have you been on the airplane with Bill  
14 Clinton before?  
15 A. I refuse to answer.  
16 Q. Who is [REDACTED]?  
17 A. I refuse to answer.  
18 Q. That's somebody you've flown with on Jeffrey  
19 Epstein's plane on numerous occasions, correct?  
20 MR. PIKE: Form.  
21 A. I refuse to answer.  
22 Q. In fact, during the year 2005 you flew on  
23 Jeffrey Epstein's plane would you say more than 50  
24 times?  
25 A. I refuse to answer.

80

1 MR. PIKE: Form.  
2 Q. And you flew to his island, right?  
3 A. I refuse to answer.  
4 MR. PIKE: Form.  
5 Q. You flew to New Mexico?  
6 A. I refuse to answer.  
7 MR. PIKE: Form.  
8 Q. You flew to New Jersey?  
9 MR. PIKE: Form.  
10 A. I refuse to answer.  
11 Q. Several of the flights are just yourself,  
12 Jeffrey Epstein, and Sarah Kellen. What did you do on  
13 those flights?  
14 MR. PIKE: Form.  
15 A. I refuse to answer.  
16 Q. Who's Adam Perrylang?  
17 A. I refuse to answer.  
18 Q. Is that somebody that you were made to have  
19 sex with?  
20 A. I refuse to answer.  
21 Q. Did Jeffrey Epstein ever make you have sex  
22 with any females?  
23 MR. PIKE: Form.  
24 A. I refuse to answer.  
25 Q. Did he ever make you have sex with any of his

81

1 friends?  
2 MR. PIKE: Form.  
3 A. I refuse to answer.  
4 Q. Who is Sandy Berger?  
5 A. I refuse to answer.  
6 Q. That's somebody else that was affiliated with  
7 Bill Clinton at one point in time, correct?  
8 A. I refuse to answer.  
9 Q. A close friend of Jeffrey Epstein's?  
10 MR. PIKE: Form.  
11 A. I refuse to answer.  
12 Q. He called the house within three weeks of the  
13 search warrant being executed. Did he tip off Jeffrey  
14 Epstein?  
15 MR. PIKE: Form.  
16 A. I refuse to answer.  
17 Q. Is he somebody that's involved with underage  
18 minors?  
19 A. I refuse to answer.  
20 Q. Do you know Igor Zinoviev?  
21 A. I refuse to answer.  
22 Q. Andrea Metrovich?  
23 A. I refuse to answer.  
24 Q. Have you flown on the airplane with Alan  
25 Dershowitz before?

21 (Pages 78 to 81)



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>82</p> <p>1 MR. PIKE: Form.</p> <p>2 A. I refuse to answer.</p> <p>3 Q. And Jean Luc Brunel is somebody who you have</p> <p>4 been on the airplane with several times, correct?</p> <p>5 A. I refuse to answer.</p> <p>6 MR. PIKE: Form.</p> <p>7 Q. And when Jean Luc Brunel is on this airplane</p> <p>8 there are underage minor -- minor females on the</p> <p>9 airplane with you, correct?</p> <p>10 MR. PIKE: Form.</p> <p>11 A. I refuse to answer.</p> <p>12 Q. Is there a back room to this airplane? Is</p> <p>13 there any sort of separation or is it all one big room?</p> <p>14 MR. PIKE: Form.</p> <p>15 A. I refuse to answer.</p> <p>16 Q. So if Jeffrey Epstein and Jean Luc Brunel are</p> <p>17 engaged in sex acts with underage minors did you --</p> <p>18 A. I refuse --</p> <p>19 Q. Sorry -- did you observe any of those acts?</p> <p>20 A. I refuse to answer.</p> <p>21 MR. PIKE: Form.</p> <p>22 Q. And on numerous of the flights the flight logs</p> <p>23 indicate someone's name then oftentimes initials, but</p> <p>24 sometimes it would just say "three females". Do you</p> <p>25 know why?</p> | <p>84</p> <p>1 give you a ticket, correct?</p> <p>2 MR. PIKE: Form.</p> <p>3 A. I refuse to answer.</p> <p>4 Q. Was it ever your job to call the police</p> <p>5 department and ask if any police reports were on file</p> <p>6 or anybody complained about the activities at Jeffrey</p> <p>7 Epstein's house?</p> <p>8 MR. PIKE: Form.</p> <p>9 A. I refuse to answer.</p> <p>10 Q. Have you ever gone physically to the police</p> <p>11 department?</p> <p>12 A. I refuse to answer.</p> <p>13 Q. Was there a flight where you flew alone with</p> <p>14 Jean Luc Brunel?</p> <p>15 A. I refuse to answer.</p> <p>16 Q. Have you ever flown on the plane with Prince</p> <p>17 Andrew?</p> <p>18 MR. PIKE: Form.</p> <p>19 A. I refuse to answer.</p> <p>20 Q. Do you know Zinta Braukis?</p> <p>21 A. I refuse to answer.</p> <p>22 Q. That's another model that Jeffrey Epstein</p> <p>23 knows, correct?</p> <p>24 A. I refuse to answer.</p> <p>25 MR. PIKE: Form.</p>                                            |
| <p>83</p> <p>1 A. I refuse to answer.</p> <p>2 MR. PIKE: Form.</p> <p>3 Q. Who's Claire Hazel?</p> <p>4 A. I refuse to answer.</p> <p>5 Q. Do you know Jo-Jo and Lynn Fontanella?</p> <p>6 A. I refuse to answer.</p> <p>7 Q. They're the house managers up at the mansion</p> <p>8 up in Manhattan, correct?</p> <p>9 MR. PIKE: Form.</p> <p>10 A. I refuse to answer.</p> <p>11 Q. And they assist Mr. Epstein in engaging in</p> <p>12 underage sex with minors in New York, correct?</p> <p>13 MR. PIKE: Form.</p> <p>14 A. I refuse to answer.</p> <p>15 Q. They also maintain a pretty close relationship</p> <p>16 with the police?</p> <p>17 A. I refuse to answer.</p> <p>18 Q. And that's a big component also, right, that</p> <p>19 Jeffrey Epstein has -- is friendly with the law</p> <p>20 enforcement, correct?</p> <p>21 MR. PIKE: Form.</p> <p>22 A. I refuse to answer.</p> <p>23 Q. Like law enforcement would do favors for not</p> <p>24 only Jeffrey Epstein but his various assistants. If</p> <p>25 you were speeding around the neighborhood they wouldn't</p>                                                   | <p>85</p> <p>1 Q. Somebody that he had engaged in sex with when</p> <p>2 she was underage?</p> <p>3 A. I refuse to answer.</p> <p>4 Q. She actually got a modeling contract out of</p> <p>5 it?</p> <p>6 MR. PIKE: Form.</p> <p>7 A. I refuse to answer.</p> <p>8 Q. Why does Jean Luc Brunel and Jeffrey Epstein</p> <p>9 fly together so often?</p> <p>10 MR. PIKE: Form.</p> <p>11 A. I refuse to answer.</p> <p>12 Q. And why does Ghislaine Maxwell also fly so</p> <p>13 often with Jeffrey Epstein and Jean Luc Brunel?</p> <p>14 A. I refuse to answer.</p> <p>15 MR. PIKE: Form.</p> <p>16 Q. Isn't it true that all three of them are</p> <p>17 obsessed and addicted to sex with underage minors?</p> <p>18 MR. PIKE: Form.</p> <p>19 A. I refuse to answer.</p> <p>20 MR. PIKE: Brad, how much longer do you have?</p> <p>21 MR. EDWARDS: How long? You want to take a</p> <p>22 break?</p> <p>23 MR. PIKE: Yeah.</p> <p>24 MR. EDWARDS: Sure. It's going a lot faster</p> <p>25 than I thought it would.</p> |

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VIRGINIA L. GIUFFRE,  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
Defendant.  
-----X

15-cv-07433-RWS

**Defendant's Motion to Compel Responses to  
Defendant's Second Set of Discovery Requests to Plaintiff, and for Sanctions**

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Defendant Ghislaine Maxwell moves under Federal Rule of Civil Procedure 37(a)(3)(B) to compel Plaintiff Virginia Giuffre to provide responsive answers to Ms. Maxwell's Second Set of Discovery Requests, attached as Exhibit A to Declaration of Laura A. Menninger ("Menninger Decl.").

*Certificate of conferral.* Undersigned counsel certifies counsel for Ms. Maxwell has conferred with Plaintiff's counsel regarding the subject matter of this Motion. Based on the conferral, Plaintiff's counsel wrote a letter declining to supplement any of the responses to the Second Set of Discovery Requests.

### **PRELIMINARY STATEMENT**

Plaintiff has brought a lawsuit alleging Ms. Maxwell defamed her. The defamation consisted of Ms. Maxwell's defensive statements denying Plaintiff's repeated, false allegations that Ms. Maxwell had subjected plaintiff to "sex trafficking" while Plaintiff was 15 years old. Plaintiff alleged in her Rule 26(a)(1)(A)(iii) disclosures that she has suffered noneconomic injury of "not less than" \$30 million, medical expenses of "not less than" \$100,000, and lost earnings of "not less than" \$5 million.<sup>1</sup> She also has requested punitive damages of \$50 million.

Despite claiming defamation damages exceeding **\$80 million**, Plaintiff routinely has stonewalled our efforts to obtain basic information about the nature of the alleged defamation and the scope of her alleged damages. Plaintiff's frustration of our discovery efforts has impeded our ability to prepare a defense.

Illustrative is Interrogatory No. 6, propounded on Plaintiff in Ms. Maxwell's Second Set of Discovery Requests, which are at issue in this Motion. We are entitled to know each allegedly defamatory statement that is the subject of this lawsuit. Plaintiff and her counsel have alleged

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<sup>1</sup>Seven months after claiming she had suffered \$5 million in "past and future lost wages" and "past and future los[t] ... earning capacity and actual earnings," Plaintiff on June 24, 2016, abruptly withdrew all claims for alleged lost wages, earning capacity and "actual earnings."

that Ms. Maxwell has published “numerous” false statements, yet Plaintiff stubbornly refuses to identify each of these allegedly false statements. Interrogatory No. 6 asked simply that for each allegedly false statement, Plaintiff “identify ... the exact false statement.” True to form, Plaintiff identified only statements referenced in her Complaint and refused to provide any other “exact false statement[s]” allegedly published by Ms. Maxwell.

### **ARGUMENT**

This Motion concerns improper objections and evasive and other improper responses to six interrogatories, eleven requests for admissions, and six requests for production of documents. *See* Menninger Decl., Ex. B (Plaintiff’s Responses and Objections to Ms. Maxwell’s Second Set of Discovery Requests). The Court should compel Plaintiff to:

- submit responsive answers to the interrogatories, and identify what information, if any is being withheld on the basis of which objection;
- answer the requests for admissions in compliance with Rule 36(a)(4);
- for each objection to a request to produce, identify what documents are being withheld on the basis of which objection; and
- produce all documents that are the subject of requests for production at issue in this Motion.

We respectfully submit that Plaintiff’s responses were not made in good faith and the objections were not interposed in good faith and, accordingly, the Court should award Ms. Maxwell reasonable attorney fees and costs incurred in bringing this Motion.

#### **I. Plaintiff’s interrogatory responses are deficient.**

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**Interrogatory No. 5.** Identify each Communication that You or Your Attorneys have had with any author, reporter, correspondent, columnist, writer, commentator, investigative journalist, photojournalist, newspaper person, freelance reporter, stringer, or any other employee of any media organization or independent consultant to the same, including:

- a. the date of any such Communication;
- b. the form of any such Communication, whether oral or written and if written, the format of any such Communication;

- c. the identities of all persons involved in such Communication, including the identity of the media organization with whom the agent is or was affiliated;
- d. the article title, date of publication, and means of publication of any article, report, or re-printing of any such Communication made by You or Your Attorneys;
- e. the amount of Income that You and/or Your Attorneys received in exchange for any such Communication;
- f. the dates on which You and/or Your Attorneys received any such Income for any such Communication.

**Response:**

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, work product protections, and any other applicable privilege or protection as stated in the General Objections.

Ms. Giuffre further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome as it is not limited in time, manner, or subject matter. The request is grossly over broad in that it does not require the communication to have *any connection* with Ms. Giuffre or this case whatsoever. Indeed, a response to this interrogatory would require each of Ms. Giuffre's attorneys to research and find any communication they *have ever had* with a journalist, for every year of their practice, regardless of what case was involved, and regardless of what year the communication was made. Ms. Giuffre's attorney's, collectively, have worked on hundreds (if not thousands) of matters, and collectively have well over 100 years of combined practice experience. Accordingly, a request that each of these attorneys list *all communications with the media* is facially overbroad.

Additionally, Ms. Giuffre objects to this Interrogatory because a response would cause Ms. Giuffre the incredible and undue burden of having to catalogue literally hundreds of communications that she has already produced in this case.

Moreover, Ms. Giuffre objects because this interrogatory calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Communications with the media regarding cases that bear no relation to the subject matter of this case, from decades in the past, are facially invalid and not calculated to lead to the discovery of admissible evidence.

Ms. Giuffre additionally objects to the extent that this interrogatory seeks the communications of her attorneys, any author, reporter, correspondent, columnist, writer, commentator, investigative journalist, photojournalist, newspaper person, freelance reporter, stringer, or any other employee of any media organization or

independent consultant as such interrogatory is overly broad and unduly burdensome. Furthermore, Ms. Giuffre is not obligated to produce anything currently in the possession of Defendant Maxwell or her attorneys.

Notwithstanding such objections, Ms. Giuffre has already produced her responsive communications, which are found in documents Bates labelled GIUFFRE000001 to GIUFFRE007566.

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**Objection 1.<sup>2</sup>**

*The interrogatory does not exceed the limit.* Plaintiff alleged Interrogatory No. 5 exceeds the 25-interrogatory limit. Plaintiff is wrong. She failed to take into account that the Second Set of Discovery Requests merely repeated five (5) interrogatories that were propounded in the First Set of Discovery Requests. Defendant objected in her Responses to the First Set on the ground the interrogatories were propounded prematurely. Plaintiff double-counted those interrogatories.

Second, Plaintiff's argument is wrong because she counted every subpart as a separate interrogatory, regardless of whether all the subparts are related by subject matter. That is an improper way to count interrogatories. Rule 33(a)(1) itself provides that for a subpart to count as a separate interrogatory, it must be "discrete." Among the courts that have dealt with this issue, "there has developed a common denominator on how to weigh an interrogatory's subparts as independent and discrete." *Bartnick v. CSX Transp.*, No. 1:11-CV-1120 GLS/TRF, 2012 WL 1565057, at \*2 (N.D.N.Y. Apr. 27, 2012). An interrogatory's subparts are to be counted as separate and discrete subparts only "if they are not logically or factually subsumed within and necessarily related to the primary question," *id.* (citing cases).

Further, Local Rule 26.3(c) provides a uniform meaning of "identify" with respect to persons and documents and requiring the "type," date, addressee and recipient of documents or, alternatively, production of same and as to persons, the name, addresses and last known place of

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<sup>2</sup>Many of Plaintiff's objections were repeated for numerous interrogatory responses. To avoid repetition in this Motion, we number each discrete objection serially.

employment. Here, each of the interrogatories—even those like No. 5 with subparts—propounded by Ms. Maxwell constitute a single interrogatory under Rule 33(a)(1).

**Objection 2.**

*Plaintiff's unreasonable reading of the interrogatory.* Plaintiff objected that the interrogatory is not limited in “time, manner or subject matter.” The objection is not well taken. Local Rule 26.4(b) provides in part that “[d]iscovery requests shall be read *reasonably*” (emphasis supplied). So read, this interrogatory is limited to communications Plaintiff and her attorneys have had with media representatives concerning the subject matter of this lawsuit. Notably, setting aside Plaintiff’s unreasonable interpretation of the interrogatory, Plaintiff provided no responsive answer whatsoever.

Plaintiff also argued that with respect to her attorneys the interrogatory required the attorneys to disclose their communications with media representatives “for every year of their practice, regardless of what case was involved, and regardless of what year the communication was made.” That is an unreasonable—absurd—interpretation of the interrogatory.

**Objection 3.**

*There is no undue burden.* Plaintiff objected that the interrogatory imposes upon her an “undue burden” because she would have to “catalogue literally hundreds of communications that she has already produced in this case.” So long as Plaintiff admitted—as she does—that her and her attorneys’ communications with media representatives regarding the subject matter of this lawsuit are relevant, she cannot complain of an “undue burden” because she and her attorneys have communicated “hundreds” of times with media representatives. Such an unreasonable view of the law would permit a party to resist providing relevant information by claiming she has too much relevant information.



**Objection 4.**

***The requested information is relevant.*** Piggybacking on Objection 2, Plaintiff objected that “Communications with the media regarding cases that *bear no relation to the subject matter of this case*, from decades in the past, are ... not calculated to lead to the discovery of admissible evidence” (emphasis supplied). As already discussed, the interrogatory requested information about Plaintiff’s and her attorneys’ communications with media representatives concerning the subject matter of this action. Plaintiff and her attorney’s communications with the media are directly relevant to numerous defenses available to Ms. Maxwell, including without limitation, her self-defense privilege, whether Plaintiff is a limited public figure, Ms. Maxwell’s right to fair comment, that Ms. Maxwell’s comments did not affect Plaintiff’s reputation, Plaintiff’s contributory negligence, Plaintiff’s failure to mitigate, and Plaintiff’s damages are the proximate result of her own conduct or the conduct of others.

**Objection 5.**

***No privilege applies.*** Plaintiff has interposed the attorney-client privilege and the work product doctrine.<sup>3</sup> It is inconceivable that Plaintiff or her attorneys have a good faith basis to interpose the attorney-client privilege or work product doctrine over their communications with media representatives. In any event, they have failed to explain any factual basis for interposing the privilege or doctrine.

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<sup>3</sup>Plaintiff also attempted to interpose “any” objection listed in her “general objections.” In her “general objections” Plaintiff asserted—generally and redundantly—“any applicable privilege, including but not limited to, attorney client privilege, work product privilege, joint defense privilege, public interest privilege, and any other applicable privilege [sic].” Such a broad, general and generic assertion of privilege is ineffective to preserve any privilege, even if one existed. *P. & B. Marina, Ltd. P’ship v. Logrande*, 136 F.R.D. 50, 54 (E.D.N.Y. 1991) (“A general allegation or blanket assertion that the privilege should apply is insufficient to warrant protection.”), *aff’d sub nom. P&B Marina Ltd. v. LoGrande*, 983 F.2d 1047 (2d Cir. 1992).

**Plaintiff's deficient answer.** "Notwithstanding" her objections, Plaintiff "answered" by referring the defense to 7,566 pages of documents ("Ms. Giuffre has already produced her responsive communications, which are found in documents Bates labelled GIUFFRE000001 to GIUFFRE007566."). The vast majority of these documents do not contain any communications between Plaintiff and her lawyers, on the one hand, and media representatives, on the other. The answer is improper. *See, e.g., In re Ethicon, Inc., Pelvic Repair Sys. Prod. Liab. Litig.*, No. MDL 2327, 2013 WL 8744561, at \*3 (S.D.W. Va. July 26, 2013) (finding interrogatory responses insufficient where they instructed plaintiffs to search mass of documents for requested information); *Nickerman v. Remco Hydraulics, Inc.*, No. C 06-2555SI, 2007 WL 3407437, at \*3 (N.D. Cal. Nov. 13, 2007) ("Despite repeated admonitions against doing so, plaintiffs continue to provide general and vague responses and to direct defendants to masses of documents.... Neither defendants nor the Court should be expected to comb through literally thousands of pages of documents searching for documents that might support plaintiffs' IIED claims.").

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**Interrogatory No. 6.** Identify any "false statements" attributed to Ghislaine Maxwell which were "published globally, including within the Southern District of New York" as You contend in paragraph 9 of Count 1 of Your Complaint, including:

- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication;  
and
- e. the nature of the publication, whether in print, internet, broadcast or some other form of media.

**Response:**

Ms. Giuffre objects because the information interrogatory above is in the possession of Defendant who has failed to comply with her production obligations

in this matter, and has failed to comply with her production obligations with this very subject matter. See Document Request No. 17 from Ms. Giuffre's Second Request for Production of Documents to Defendant Ghislaine Maxwell.<sup>1</sup> Maxwell has not produced all "URL or Internet addresses for any internet version of such publication" that she directed her agent, Ross Gow, to send.

Ms. Giuffre further objects because the information requested above is in the possession of Defendant's agent, who caused the false statements to be issued to various media outlets. Ms. Giuffre has not had the opportunity to depose Maxwell's agent Ross Gow; therefore, this answer remains incomplete. Consequently, Ms. Giuffre reserves the right to modify and/or supplement her responses, as information is largely in the possession of the Defendant and her agent.

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre objects to this request because it is in the public domain. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Notwithstanding such objections, Ms. Giuffre has already produced her responsive communications, which are found in documents Bates labelled GIUFFRE000001 to GIUFFRE007566.

#### **Objection 6.**

***Plaintiff cannot answer by stating that Ms. Maxwell already has the information.***

Plaintiff "object[ed]" to the interrogatory because the answer to the interrogatory, she alleged, "is in the possession of [Ms. Maxwell]" and her agent, or "is in the public domain." Such an objection is improper:

[T]o the extent defendant objects that certain requests ... seek information equally available to plaintiff, "courts have unambiguously stated that this exact objection is insufficient to resist a discovery request." *St. Paul Reinsurance Co., Ltd., CNA v. Commercial Fin. Corp.*, 198 F.R.D. 508, 514 (N.D. Iowa 2000); *see also City Consumer Servs., Inc. v. Horne*, 100 F.R.D. 740, 747 (D. Utah 1983) ("It is 'not usually a ground for objection that the information is equally available to the interrogator or is a matter of public record.'" (citation omitted)); *United States v. 58.16 Acres of Land*, 66 F.R.D. 570, 573 (E.D. Ill. 1975) ("Generally, an interrogatory is proper although the information sought is equally available to both parties."). Thus, plaintiff's motion to compel a response to Interrogatory no. 13 should be granted.

*National Acad. of Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 682 (C.D. Cal. 2009).

**Subpart objection.** Plaintiff argued Ms. Maxwell’s interrogatories exceed the limit. This already is addressed above in the discussion of Objection 1.

**Objection 7.**

**No privilege applies.** Plaintiff objected that the information requested in the interrogatory is “protected by the attorney-client/work product privilege, and any other applicable privilege.” The assertion of privilege is frivolous. The interrogatory requested the false statements that Plaintiff attributes to Ms. Maxwell and that were published anywhere in the world. These statements are the very subject of this lawsuit. No such statement is subject to a privilege belonging to Plaintiff.

**Plaintiff’s deficient answer.** “Notwithstanding” her objections, Plaintiff answered by referring the defense to the documents she previously had produced “Bates labelled GIUFFRE000001 to GIUFFRE007566.” As discussed above, it is improper to answer an interrogatory by referring to an undifferentiated mass of documents.

Plaintiff also “supplement[ed]” her answer with a “list of publications.” This answer is non-responsive. The interrogatory required Plaintiff, among other things, to provide each “exact false statement” that she attributes to Ms. Maxwell and that was published anywhere in the world. This entire case centers on Plaintiff’s claim that Ms. Maxwell published false statements about Plaintiff and now Plaintiff refuses to identify those statements. The question is not whether Ms. Maxwell knows what statements have been made in the press; the question is which statements does Plaintiff contend are false.

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**Interrogatory No. 7.** State whether You believe that You have ever been defamed by anyone other than Ghislaine Maxwell. If so, as to each alleged act of Defamation, state

- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication; and
- e. the nature of the publication, whether in print, internet, broadcast or some other form of media.

**Response:**

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Without waiving the aforementioned objections, Alan Dershowitz published statements about Ms. Giuffre in January 2015 and thereafter that remain in the public realm. Ms. Giuffre does not have knowledge as to every time and place that she was defamed by Dershowitz, and she is not required to provide such an exhaustive list as all relevant instances of defamation are available through public sources, and identification of the numerous publically made statements would be unduly burdensome. Furthermore, upon information and belief, all defamatory statements made towards Ms. Giuffre by Dershowitz are within the knowledge and possession of Maxwell and her attorneys or can be easily obtained by contacting Dershowitz.

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**Subpart objection.** This is addressed above in the discussion of Objection 1.

**Privilege assertion.** This is addressed above in the discussion of Objection 7. For the same reasons discussed there, this interrogatory does not request any privileged information. It is inconceivable that a statement about Plaintiff that allegedly is false and published would be protected from discovery by a privilege held by Plaintiff.

**Plaintiff's deficient answer.** "Notwithstanding" her objections, Plaintiff purported to answer the interrogatory. The answer is woefully deficient. She answered that she had been

defamed by Alan Dershowitz, but she failed to provide any information about the allegedly defamatory statements made by Mr. Dershowitz. For example, she failed to disclose “[t]he exact false statement[s]” made by Mr. Dershowitz, the date of the publication, the publishing entity, and the other information required in the interrogatory.

As justification for her failure to answer the interrogatory fully, Plaintiff argued she “does not have knowledge as to every time and place that she was defamed by Dershowitz.” That argument is meritless. This interrogatory required Plaintiff to disclose *her* knowledge as to each of the interrogatory’s subparts. She improperly failed to disclose this information.

Plaintiff argued that “identification of the numerous publically [sic] made statements would be unduly burdensome.” She also argued that Mr. Dershowitz’s defamatory statements “are within the knowledge and possession of [Ms. Maxwell] and her attorneys or can be easily obtained by contacting [Mr. Dershowitz].” Neither was a responsive answer. To the extent they were offered as objections, they are meritless. *See National Acad. of Recording Arts & Scis.*, 256 F.R.D. at 682 (cited in discussion of Objection 5).

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**Interrogatory No. 8.** Identify the individuals referenced in Your pleadings filed in the U.S. District Court for the Southern District of Florida, *Jane Doe 1 and Jane Doe 2 v. United States of America*, 08-cv-80736-KAM, as the “high-profile non-party individuals” to whom Mr. Jeffrey Epstein sexually trafficked You, “including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders,” including as to each episode of alleged sexual trafficking:

- a. the date of any such sexual trafficking;
- b. the location of any such sexual trafficking;
- c. any witnesses to any such sexual trafficking;
- d. any Income You received in exchange for such sexual trafficking; and
- e. any Documents You have to support or corroborate Your claim of such sexual trafficking.

**Response:**

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre refers to the list of witnesses identified in her Revised Rule 26 Disclosures. Also, notwithstanding previously-noted objections, Ms. Giuffre testified in *Edwards v. Cassell*, Broward County Case Number CACE 15-000072 on January 16, 2016, regarding the subject matter requested. *See* GIUFFRE005094- GIUFFRE007566. Ms. Giuffre additionally testified regarding the subject matter requested in this interrogatory on in the above-captioned case in her deposition on May 3, 2016. Additionally, Ms. Giuffre was trafficked to other individuals whose name she never learned or whose names she does not remember. Identification of any other individuals would be irrelevant and unduly burdensome. Moreover, as specifically provided in Rule 33.3(b), “[d]uring discovery, interrogatories other than those seeking information described in paragraph (a) [] may only be served (1) if they are a more practical method of obtaining the information sought than a request for production or a deposition or (2) if ordered by the Court.” Because Ms. Giuffre has provided an answer to this interrogatory in her deposition, which was a more practical method of obtaining the information sought, this interrogatory is improper under the Local Rules as well as wholly duplicative.

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**Subpart objection.** This is addressed above in the discussion of Objection 1.

**Privilege assertion.** This is addressed above in the discussion of Objection 6. It is inconceivable that any privilege applies to the identities of individuals to whom Plaintiff alleges she was sexually trafficked. This is a frivolous assertion of privilege.

**Plaintiff’s deficient answer.** Instead of identifying individuals as required by the interrogatory, Plaintiff instead “refer[red]” to her Rule 26 disclosures, her testimony in a Florida state case, and her earlier deposition in this case. This is non-responsive and evasive, in violation of Rule 37(a)(3). *See, e.g., Public Storage v. Sprint Corp.*, No. CV 14-2594-GW PLAX, 2015 WL 1057923, at \*17 (C.D. Cal. Mar. 9, 2015) (“Plaintiffs may not answer the interrogatory by generally referring Defendant to the pleadings filed in this case, documents produced, opt-in questionnaires, depositions, or declarations.... [A] responding party may not answer an interrogatory by directing the party propounding the interrogatory to find answers from



previously produced documents or identified witness lists.”), *appeal dismissed* (Mar. 30, 2016); *Smith v. Trawler Capt. Alfred, Inc.*, No. 2:12-CV-2866-DCN, 2014 WL 1912067, at \*3 (D.S.C. May 13, 2014) (“Smith’s cursory references to the pleadings, his deposition, and his medical records are not responsive answers to defendants’ interrogatories.”); *DirectTV, Inc. v. Puccinelli*, 224 F.R.D. 677, 680 (D. Kan. 2004) (“defendant may not direct plaintiffs to find answers from previously produced documents or identified witness lists”) (internal quotations omitted).

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**Interrogatory No. 13.** Identify any Health Care Provider from whom You received any treatment for any physical, mental or emotional condition, including addiction to alcohol, prescription or illegal drugs, that You suffered from prior to the Alleged Defamation by Ghislaine Maxwell, including:

- a. the Health Care Provider’s name, address, and telephone number;
- b. the type of consultation, examination, or treatment provided;
- c. the dates You received consultation, examination, or treatment;
- d. whether such treatment was on an in-patient or out-patient basis;
- e. the medical expenses to date;
- f. whether health insurance or some other person or organization or entity has paid for the medical expenses; and
- g. For each such Health Care Provider, please execute the medical and mental health records release attached hereto as Exhibit A.

**Response:**

Ms. Giuffre objects to this interrogatory because it violates this Court’s Order. The Court has excluded the production of medical records from prior to 1999, stating, “the damage issue relates, in my view, solely to the defamation.” (April 21, 2016, Hearing Transcript at 20:23-24). This holding applies to pre-1999 medical records. As this interrogatory is not limited to the time period ordered by this Court, Ms. Giuffre objects.

Ms. Giuffre objects to this interrogatory in that it is overbroad and not limited in scope to the medical information relating to the abuse she suffered from Defendant and Jeffrey Epstein.

Ms. Giuffre objects because Rule 26 does not allow discovery that is so burdensome as to require a Herculean effort by an adult to track down every possible prescription ever written for Ms. Giuffre, or every physician who ever treated Ms. Giuffre, even as a small child. Such a request is not only impractical

and unduly burdensome, but likely impossible. Accordingly, such an interrogatory is merely for the purpose of imposing a burden on Ms. Giuffre and her attorneys, not to mention the purposes of harassment.

Pursuant to the Rules, if requested documents are not yielded in a “reasonable inquiry,” Ms. Giuffre is not obligated to expend all of her time and resources on a quest to gather medical files from her birth to the present to find any prescriptions ever written for her for anything at all.<sup>[4]</sup> Ms. Giuffre is not certain as to her the sum of her medical expenses from 1999 to the present, and therefore is unable to answer that subpart. Ms. Giuffre is not aware of what health insurance carrier or other organization paid for her historical medical expenses unless it is identified on the records produced to the Defendant.

Finally, Ms. Giuffre objects in that it seeks information protected by the doctor-patient privilege, and any other applicable privilege stated in the General Objections. Ms. Giuffre further objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre further objects to this request in that it is overbroad and seeks confidential medical information of a sex abuse victim and is not limited in scope to the issues in this case.

Without waiving such objections, Ms. Giuffre has already produced her responsive documents Bates labelled GIUFFRE000001 to GIUFFRE007566, and supplements such documents as follows....<sup>[5]</sup>

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### Objection 8.

*Pre-1999 medical records are discoverable.* Plaintiff had requested damages allegedly suffered from being the “victim of sex trafficking” dating back to 1999. On April 21, 2016, the Court ruled that Plaintiff’s damages are limited to harm from the alleged defamation. Regarding Ms. Maxwell’s request for records pre-dating 1999, the Court said: “As for the pre-’99 medical records, based on where we are at the moment, I do not believe that those are relevant ... [b]ecause the damage issue relates ... solely to the defamation.” Tr. 20:21-24 (Apr. 21, 2016).

Plaintiff objected to this interrogatory on the ground it requested pre-1999 medical information in “violat[ion]” of the Court’s ruling. The objection should be overruled. The issue

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<sup>4</sup>Plaintiff’s voluminous arguments and argumentative citations to case law—inserted into her multi-page “objections”—are omitted in this Motion.

<sup>5</sup>Immediately following this paragraph was a tabular chart listing names of healthcare providers, the healthcare provided, Plaintiff’s counsel’s efforts undertaken to obtain records, and documents produced to the defense. On July 29, 2016, Plaintiff supplemented the chart. The supplementation did not cure the deficiencies.

before the court in April concerned discovery of Plaintiff's medical records because those records bore on her claim she had suffered "sex trafficking" damages. Interrogatory No. 13 does not seek medical information for that purpose.

Plaintiff has alleged she has suffered more than \$30 million in noneconomic damages from the alleged defamation; she intends to request an additional \$50 million in punitive damages related at least in part on the alleged conduct that caused the noneconomic damages. The defense intends to show that Plaintiff for financial and other improper reasons manufactured her allegations of "sex trafficking" and created from whole cloth her alleged \$30 million in noneconomic damages from "defamation." Some of the most relevant and material evidence concerns pre-1999 medical records and information, which contradict some of Plaintiff's sworn testimony about the alleged "sex trafficking." For example, Plaintiff has testified Mr. Epstein and Ms. Maxwell subjected her to sex trafficking in 1998. Yet, in 1998 Plaintiff was an inpatient resident at a drug rehabilitation facility. As another example, Plaintiff has alleged that Ms. Maxwell's denial in 2015 of Plaintiff's allegations of sex trafficking caused her to ingest ever greater quantities of anti-anxiety and other prescription medications, for which Plaintiff is seeking noneconomic damages. Yet, Plaintiff's pre-1999 medical records will establish that Plaintiff was a longtime drug addict—addicted to prescription and other drugs.

Additionally, based on Plaintiff's claims of having suffered \$30 million in mental pain and anguish, among other noneconomic damages, Ms. Maxwell is entitled to pre-1999 medical records to establish the mental and emotional baseline for Plaintiff and to determine her preexisting mental and emotional condition, since under no circumstances is Ms. Maxwell liable for Plaintiff's preexisting mental and emotional condition. *See, e.g., Bauman v. 2810026 Canada Ltd.*, No. 15-CV-374A(F), 2016 WL 402645, at \*1 (W.D.N.Y. Feb. 3, 2016); *Pokigo v. Target*

*Corp.*, 2014 WL 6885905, at \*\*2-3 (W.D.N.Y. Dec. 8, 2014) (plaintiff's preexisting mental and physical conditions relevant to plaintiff's damage claim); *Bruno v. CSX Transp., Inc.*, 262 F.R.D. 131, 133-34 (W.D.N.Y. 2009) (granting discovery of plaintiff's medical records relating to plaintiff's substance abuse and mental health treatment where disclosure was likely to reveal evidence of alternative or intervening causes for the damages claimed by plaintiff).

#### **Objection 9.**

***The interrogatory is not overbroad.*** The interrogatory required Plaintiff to identify healthcare providers who treated her for specified conditions, e.g., mental conditions and addiction, "prior to" any alleged defamation of her by Ms. Maxwell. Plaintiff's "overbreadth" objection argued that the interrogatory was not "limited in scope to the medical information relating to the abuse she suffered from Defendant and Jeffrey Epstein." The premise is wrong. Plaintiff, who is suing for more than \$80 million in damages and who claims to have suffered more than \$30 million in noneconomic damages, including "pain and suffering," cannot be heard to complain about an interrogatory requesting the identities of healthcare providers who treated her before the alleged defamation-related injuries. Plaintiff's pre-defamation physical and mental condition is the baseline for her claim for damages and is therefore highly relevant. *See, e.g.*, This Mot., at 15-16 (citing cases).

***The interrogatory is not unduly burdensome.*** We incorporate here the discussion above on Objection 3, and supplement as follows. Plaintiff implicitly concedes that her physical and mental condition before the alleged defamation is relevant to this lawsuit. Her complaint about burdensomeness suggests only that her "pre-defamation" physical and mental condition was so complex or required so much medical attention that it would be unduly burdensome for her to "track down" all her medical providers. The simple answer is twofold. One, relevant and

discoverable information does not become immune from discovery or “unduly burdensome” because there is a lot of it. Two, when a plaintiff alleges, as here, that she has suffered more than \$30 million in physical and mental injury from an allegedly defamatory denial of her claim of sex trafficking, the defense is entitled to know her physical and mental condition before and after the alleged defamation.

Relatedly, Plaintiff argued that if she has made a “reasonable inquiry,” she cannot be required to “expend all of her time and resources on a quest to gather medical files.” To begin with, the interrogatory does not require Plaintiff to “gather medical files.” Additionally, the interrogatory does not require Plaintiff to expend “all of her time and resources” to gather documents, and Plaintiff has not done so. Finally, although Plaintiff has provided the identity of some healthcare providers, it is far from clear she has made a “reasonable inquiry” required by the interrogatory.

**No privilege applies.** The assertion of the doctor-patient privilege is frivolous. The identities of Plaintiff’s healthcare providers are not subject to privilege. Regardless, Plaintiff has placed her physical and mental condition and the identities of those who treated her condition in issue by alleging \$50 million worth of physical and mental injuries.

**Subpart objection.** This is addressed above in the discussion of Objection 1.

**Plaintiff’s deficient answer.** “Without waiving [her] objections,” Plaintiff answered she “has already produced her responsive documents” and referred the defense to 7,566 pages of undifferentiated documents. The answer is non-responsive. Interrogatory 13 is not a request for production of documents. Additionally, as discussed above at page 7 of this Motion, it is improper for a party to answer an interrogatory by reference to an undifferentiated mass of documents.

By way of example only, Plaintiff's mother, father, boyfriend, and ex-fiance all have testified that in 1998 and 1999, [REDACTED]

Further, Plaintiff has claimed as losses "medical expenses of 'not less than' \$100,000," yet her interrogatory response states simply that she "is not certain as to her the sum of her medical expenses from 1999 to the present, and therefore is unable to answer that subpart. Ms. Giuffre is not aware of what health insurance carrier or other organization paid for her historical medical expenses." This is non-responsive. It is insufficient to claim that one is "not certain" of the answers as to medical expenses when she is seeking 'not less than' \$100,000 in damages from that category.

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**Interrogatory No. 14.** Identify any Person who You believe subjected You to, or with whom You engaged in, any illegal or inappropriate sexual contact, conduct or assault prior to June 1999, including the names of the individuals involved, the dates of any such illegal or inappropriate sexual contact, conduct or assault, whether Income was received by You or anyone else concerning such event, whether a police report was ever filed concerning such event and the outcome of any such case, as well as the address and location of any such event.

**Response:**

Ms. Giuffre objects to this request in that it is overbroad and invades Ms. Giuffre right to privacy (including her constitutionally-protected right of privacy) by seeking confidential information relating to the sexual abuse of a minor sex abuse victim. Ms. Giuffre objects to this request in that it seeks sexual assault information for a period prior to the sexual abuse at issue in this matter, and for a period when she was a minor child. The Court has excluded the production of medical records from prior to 1999, stating, "the damage issue relates, in my view, solely to the defamation." (April 21, 2016, Hearing Transcript at 20:23-24). This holding applies equally to pre-1999 sexual assault....

Additionally, it has become increasingly clear that Defendant's counsel is seeking these documents for the improper purpose of harassment ....

Ms. Giuffre also objects to this request because such events would have taken place in Florida, and information relating to those events is protected from

disclosure by law. Florida statutes protect “[a]ny information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery . . . which reveals that minor’s identity.” Fla. Stat. § 119.071. Additionally, Fla. Stat. 985.036 protects records where a juvenile is a victim of a crime. Further, Section 794.026, Fla. Stat., creates a civil right of action against an individual who communicates to others, identifying information concerning the victim of a sexual offense. Additionally, Second, Fla. Stat. § 985.04 and Fla. Stat. § 985.054 make juvenile law enforcement records confidential from members of the public, and states that information obtained by a law enforcement agent participating in the assessment of a juvenile is confidential. Finally, certain of the police reports implicate Ms. Giuffre’s involvement with the Florida Department of Children and Families, see e.g., GM\_00750, and if such reports are part of the State’s Department of Children and Families’ records, they are confidential pursuant to Fla. Stat. § 39.202(6). Accordingly, Ms. Giuffre objects to this request ....

Ms. Giuffre additionally objects to this request in that it is sought solely to harass, and intimidate Ms. Giuffre who is a victim of sexual abuse by the Defendant. Ms. Giuffre objects on the basis that Defendant is not entitled to a full-scale production of everything that has happened throughout the entire course of her life time [sic], particularly the time sought in this request which predates Defendant’s meeting and abuse of Ms. Giuffre....

Furthermore, discovery concerning Ms. Giuffre’s prior sexual assault is not relevant to the claim at issue in this case, the defenses at issue, or the damages claimed, and therefore well outside the scope of discovery permitted by Fed. R. Civ. P. 26.... Giving testimony on such irrelevant, but painful, topics would be extraordinarily embarrassing, oppressive, and traumatic for Ms. Giuffre, and it is wholly irrelevant to any party’s claim or defense. Accordingly, such discovery is not sought in good faith.

This request is particularly improper as it cannot conceivably lead to admissible evidence....

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as it, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Additionally, to the extent that it is available to Ms. Giuffre, all of this information is already in the possession of Maxwell as she obtained and produced police reports regarding Ms. Giuffre, which Ms. Giuffre did not have in her possession. Ms. Giuffre was also questioned for seven hours in her May 3, 2016, deposition by Defendant’s attorney....

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#### **Objection 10.**



***Plaintiff has no valid “privacy” objection.*** This interrogatory requested the identity of individuals who Plaintiff believes “subjected [her] to, or with whom [she] engaged in, any illegal or inappropriate sexual contact, conduct or assault prior to June 1999,” and basic information relating to such improper actions, *e.g.*, date, whether a police report was filed. None of this illegal or inappropriate sexual contact, conduct or assault is within the right to privacy. To the extent any right of privacy is applicable, the Court’s Protective Order affords Plaintiff all the privacy to which she is entitled.

**Objection 11.**

***There is no “harassment.”*** Federal Rule of Evidence 412, commonly referred to as the rape-shield law, does not apply in a defamation action such as this where the evidence would be offered to show that the alleged defamatory statements are true or did not damage plaintiff’s reputation. *See* Advisory Committee Notes, 1994 Amendments, Federal Rule of Evidence 412 (“in a defamation action involving statements concerning sexual misconduct in which the evidence is offered to show that the alleged defamatory statements were true or did not damage the plaintiff’s reputation, neither Rule 404 nor this rule will operate to bar the evidence”). Certainly, if evidence of prior alleged sexual assaults (whether unfounded or not) are admissible in this action, *ipso facto* they are discoverable under the standards of Rule 26 previously articulated.

Plaintiff has alleged Ms. Maxwell’s denial of Plaintiff’s allegations of sex trafficking caused her to suffer in excess of \$30 million in compensatory damages. There is an abundance of evidence suggesting that well before she met Ms. Maxwell, Plaintiff had engaged in illegal sex activities or falsely claimed she was the victim of illegal sex activities. Information relating to

this subject is hardly harassing. To the contrary, it constitutes evidence relevant to the defense of this action.

**Objection 12.**

*No law bars a responsive answer to this interrogatory.* Plaintiff argued that Florida laws bar the interrogatory and relieve her of the obligation to provide a responsive answer. This is a frivolous argument. The Florida laws prohibit Florida agencies from disclosing certain information about sexual assault victims. Plaintiff is not a state agency. None of the laws is relevant to this action, where a defamation plaintiff claiming to be the victim of sexual trafficking sues a defendant for reputational injury and is required in discovery to provide information about illegal sex activities.

**Subpart objection.** This is addressed above in the discussion of Objection 1.

**No privilege applies.** The discussion above relating to Objection 6 applies here. None of Plaintiff's illegal sex activities, whether she was a willing participant or a victim, is cloaked with any privilege.

**Plaintiff's deficient answer.** Plaintiff suggested she is not required to answer because the requested information "is already in the possession of [Ms. Maxwell]." As discussed on page 8 of this Motion, a party may not resist a discovery request by asserting that the party seeking discovery "already is in possession" of the requested information.

**II. Plaintiff's answers to the requests for admission are deficient.**

Plaintiff's responses to the following requests for admissions are deficient:

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**RFA No. 1.** Admit that you were not 15 years old when you first met Ghislaine Maxwell.

**Response:**

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was

recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

**RFA No. 2.** Admit that you were not 15 years old when you first met Jeffrey Epstein.

**Response:**

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

**RFA No. 3.** Admit that you were not 15 years old at the time you claim you were sexually trafficked by Jeffrey Epstein.

**Response:**

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

**RFA No. 4.** Admit that Ghislaine Maxwell did not celebrate your 16th birthday with You.

**Response:**

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed

there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor. While she now knows, based on this discovery, that it could not have been her 16th birthday that Ghislaine celebrated, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached and recruited her for illegal purposes, and she remembers celebrating a birthday with Ghislaine Maxwell.

**RFA No. 5.** Admit that Ghislaine Maxwell did not make a joke on your 16th birthday after You blew out an array of candles and said You “would be soon getting too old for Jeffrey’s taste, and soon they’d have to trade me in.”

**Response:**

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor. While she now knows, based on this discovery, that it was not her 16th birthday that she celebrated with Ghislaine Maxwell, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached and recruited me for illegal purposes, and she remember celebrating a birthday with Ghislaine Maxwell, during which she made the referenced joke.

**RFA No. 6.** Admit that you did not work at Mar-a-Lago when you were 15 years old

**Response:**

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

**RFA No. 7.** Admit that you did not work for Jeffrey Epstein for four years.

**Response:**

Denied in part. At the time she made the statement, many years after the events occurred, and based purely from memory without the assistance of any documents, she firmly believed she was with Jeffrey Epstein over a four year period. With the assistance of various records obtained after she made that statement, she now knows that she was not with Jeffrey Epstein for four years. She was sent to Thailand by Jeffrey Epstein in September 2002 and that was the last time she saw him.

**RFA No. 8.** Admit that You did not spend four years as an underage sex slave for Jeffrey Epstein.

**Response:**

Denied in part. At the time she made the statement, many years after the events occurred and based purely from memory without the assistance of any documents, she firmly believed she was with Jeffrey Epstein over a four year period. With the assistance of various records obtained after she made that statement, she now knows that she was not with Jeffrey Epstein for four years; however she was a sex slave for Jeffrey Epstein for years.

**RFA No. 13.** Admit that You never observed Al Gore on the island of Little St. James.

**Response:**

Denied in part. Her memory from 15 or more years ago is that it was on the island where she met Mr. Gore, although she has testified that she could have been incorrect on that location. While traveling with Epstein and Maxwell, she met so many people and was taken to so many places as a minor that perfect recall of exact locations is difficult, but based on her best recollection, denied.

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In Request for Admissions Nos. 1-8 and 13, Plaintiff answered “[d]enied in part” and then provided a narrative that implicitly admitted the request for admission while explaining why she believed otherwise at an earlier time. None of these responses is proper. Rule 36(a)(4) provides in relevant part:

If a matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot truthfully admit or deny it. A denial must fairly respond to the substance of the matter; and *when good faith requires that a party qualify an answer or deny only a part of a matter, the answer must specify the part admitted and qualify or deny the rest.*

(emphasis supplied). Plaintiff denied only “a part of a matter” and therefore was required to “specify the part admitted.” In Request for Admissions Nos. 1-8 and 13, Plaintiff failed to specify any part that was admitted. Her answers violate Rule 36.

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**Request for Admission No. 12.** Admit that You never had a conversation with Bill Clinton regarding him flying with Ghislaine Maxwell in a helicopter.

**Response:**

Objection. Defendant Maxwell has clearly incorrectly interposed and comingled the facts which comprise the foundation of this request for admission. Ms. Giuffre has never alleged that she “had a conversation with Bill Clinton regarding him flying with Ghislaine Maxwell in a helicopter.” Instead, Ms. Giuffre has alleged, “I flew to the Caribbean with Jeffrey and then Ghislaine Maxwell went to pick up Bill [Clinton] in a huge black helicopter that Jeffrey had bought her.” Sara Nathan, Bill Clinton Pictured with Jeffrey Epstein’s Social Fixer, Daily Mail, (12 January 2015).

As a threshold matter, a court must determine whether the statements set forth in a request for admissions satisfy the formal requirements of Rule 36 ....

Consequently, Ms. Giuffre objects to answering this request for admission as it is based on “half-truths,” which make it impossible to answer without a qualified response.

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Plaintiff objected to this request for admission and provided no answer. That is improper. The request required Plaintiff to admit whether she had a conversation with President Clinton regarding him flying in a helicopter with Ms. Maxwell. Either she is able to admit this request in full or in part, or she is able to deny the request in full or in part, as Rule 36 requires. She may not object and refuse to admit or deny.

**III. Plaintiff’s responses to requests for production are deficient.**

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**RFP No. 1.** All Communications and Documents identified in Interrogatories 5-14, above.

**Response:**

Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections. Ms. Giuffre objects to this request on the grounds that it is

wildly overly broad and unduly burdensome, and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, as described more fully above in response to the interrogatories. For example, Interrogatory Number 5, would cover documents spanning over 100 years collectively from attorneys, and compliance with this production request would be literally impossible due to the untethered scope of the request. Ms. Giuffre objects to this request in that it seeks to invade the privacy rights of a sex abuse victims, and is meant for the improper purpose of harassing and intimidating this victim.

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**No privilege applies.** As discussed above in connection with Plaintiff's assertion of privilege in her interrogatory responses, *see, e.g.*, This Motion, at 9, no privilege applies to the information requested in Interrogatory Nos. 5-14. Nor does any privilege apply to the communications and documents identified in those interrogatories.

**The RFP is not overbroad.** Plaintiff's overbreadth objection appears to be the same as its overbreadth objection interposed in response to the interrogatories. For the reasons discussed in response to Plaintiff's Objection 9, *see* This Motion, at 16, the objection is meritless.

**The RFP is not unduly burdensome.** Plaintiff's burdensomeness objection is premised on an unreasonable reading of the interrogatories. That objection is meritless. *See* This Motion, at 5.

**The RFP does not implicate Plaintiff's right to privacy.** As discussed above, *see* This Motion, at 20, Plaintiff has no right to privacy to the information requested in the interrogatories or to the related communications and documents.

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**RFP No. 4.** All Documents relating to any Communications between or among You or Your attorneys or any agent for You or Your attorneys, and any of the following individuals or with their attorneys, agents or representatives:

- a. Any witness disclosed in Plaintiff's Rule 26(a) disclosures;
- b. Any witness disclosed in Defendant's Rule 26(a) disclosures;
- c. Any witness identified by You in response to Interrogatory No. 8 and No. 14.



**Response:**

Ms. Giuffre objection to this request on the grounds that it is overly broad and unduly burdensome in that it is not limited in time, and it seeks documents relating to hundreds of individuals. Ms. Giuffre objects because compliance with this request is unduly burdensome. For example, this request seeks documents relating to over 100 individuals, and has no date or time limitations or subject matter limitations whatsoever. Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections. Specifically, counsel's communications with witnesses are protected under the work product doctrine. Ms. Giuffre objects to this request in that it is sought solely to harass and intimidate Ms. Giuffre, and invade her privacy, by seeking her private communications with her various family members, including aunts, uncles and parents and siblings. Ms. Giuffre further objects as this request calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

Ms. Giuffre is withholding production of documents that are privileged pursuant to the attorney-client privilege, the work product privilege, and the public interest privilege. Ms. Giuffre is also withholding electronic renditions of photographs that depict the faces of her minor children, including school portraits and other photographs taken that reveal the faces of her minor children.

Ms. Giuffre additionally objects to the extent that this request seeks the communications of her attorneys, as such request is overly broad and unduly burdensome. This is especially true given that certain attorneys for Ms. Giuffre additionally represent other individuals listed on the Rule 26 Disclosures in separate legal matters, and revelation of such communications would violate privileges that do not belong to Ms. Giuffre, but rather belong to other victims of sexual abuse who have not waived such privileges. Accordingly, Ms. Giuffre is withholding these documents from production based on her objections.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE007566, which includes her communications with many of the individuals set forth in this request. However, producing documents with the additional, newly-added individuals would be overly burdensome, as there is no limitation as to time period, scope or subject-matter.

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The objections are meritless. As to burdensomeness, the relevance of the requested communications is obvious, as the witnesses all have information relevant to the factual issues in

this case. Plaintiff argued that the request encompasses “over 100” witnesses; notably, however, Plaintiff did not claim she and her attorneys have communicated with even 20, let alone 100, witnesses, nor has she disclosed the volume of documents actually implicated by this request; so Plaintiff has failed even to make a prima facie case of burdensomeness. As to “privacy,” no such right to privacy is implicated in this request; even if it were, the Court’s Protective Order more than adequately protects that right. As to assertions of privilege or immunity over any responsive document, to the extent any privilege or immunity applies, Plaintiff must comply with her duties under Local Rule 26.2 and Federal Rule 26(b)(5).

The “objection” that Plaintiff has no duty to produce because the defense “already has” the requested documents is meritless. *See This Motion*, at 8 (citing cases).

That Plaintiff’s attorneys represent or have represented other clients and have had non-privileged, non-immunized communications with the witnesses described in the request is not a relevant fact for purposes of discovery in this case. So long as the Plaintiff and her attorneys have responsive documents, those documents must be produced.

**Plaintiff’s deficient response.** Notwithstanding her objections, Plaintiff responded that she previously produced 7,566 documents, some of which, she said, include requested documents. That is a deficient response. In violation of Rule 34(b)(2)C), Plaintiff has failed to state whether she is withholding documents. Additionally, Plaintiff may not answer a Rule 34 request by referring the defense to a mass of undifferentiated documents. *DirecTV*, 224 F.R.D. at 682 (holding that Rule 34 response referring opponent to previous production was “improper”: “Plaintiff was required to identify the particular documents or to organize and label them to correspond to these specific requests. There is nothing in the record indicating that Plaintiff did so. Thus, Plaintiff’s partial responses to these requests did not comply with Rule 34(b).”).

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**RFP No. 9.** All Documents concerning any Communications between You or Your attorneys and any witness in the case captioned Jane Doe #1 and Jane Doe #2 v. United States, Case No. 08-ev-80736-KAM, in the U.S. District Court for the Southern District of Florida (“CVRA” case).

**Response:**

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

With regard to communications by Ms. Giuffre’s attorneys, this request seeks clearly privileged materials, because Ms. Giuffre’s attorneys represent not only Ms. Giuffre (Jane Doe 3) in the CVRA matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4. Any communications between the four Jane Does, via Ms. Giuffre’s attorneys, would be plainly be subject to attorney client protection, not to mention work product protection as well.

With regard to contact with “witnesses,” the request is vague, unduly burdensome, and overbroad. The CVRA case centers on issues surrounding whether the U.S. Government failed to confer and otherwise protect the rights of victims (including Janes Does 1, 2, 3, and 4) during plea negotiations with Jeffrey Epstein. Accordingly, some of the main “witnesses” in the case are the Government prosecutors who handled the plea negotiations. Several of the same prosecutors who handled the plea negotiations are also involved in defending the CVRA case. The CVRA has been in litigation for nearly eight years, and there have extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims’ counsel and provided to Judge Marra for in camera review). The request appears designed to target all of these communications, and such communications, going back eight years, would necessitate a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutors. The burden would be substantial and the relevance would be essentially non-existent. Whatever communications Ms. Giuffre’s attorneys would have had with government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

Moreover, many materials related to this case remain under Judge Marra’s protective order. Accordingly, before Ms. Giuffre’s counsel could even have the option to release certain materials that the Government has provided to him as an attorney in the case, defendant Maxwell would have to approach Judge Marra and seek a modification of the protective order.

The request is also vague because it is not clear precisely what “witnesses” Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre’s lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of this case. Again, the relevance of such communications seems basically non-existent to the action. But because the case has spanned eight years, collecting such communications would be difficult and overly burdensome. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre’s attorneys with collecting such communications when she can collect them in other ways.

**RFP No. 10.** All Documents concerning any Communications between you or your attorneys and any witness or potential witness in Edwards and Cassell v Dershowitz (“Dershowitz” case).

**Response:**

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. It is not clear what the phrase “concerning” is designed to cover. As a third-party witness in that action, Ms. Giuffre had numerous communications with, for example, her attorneys in relation to that matter, and therefore, these communications are subject to the attorney client privilege and protected by the work product doctrine. It is unclear what documents “concerning” communications with “witnesses” refers to, and it could expansively cover a vast number of documents, emails, and other communications that have taken place over the course of this litigation.

With regard to communications by Ms. Giuffre’s attorneys, this request seeks clearly privileged materials (or materials covered by the work product doctrine).

With regard to “witnesses” or “potential witnesses,” the request is vague, unduly burdensome, and overbroad. The Dershowitz case centers on issues surrounding whether the Ms. Giuffre’s lawyers (Edwards and Cassell) had conducted a sufficient investigation before filing a motion to join Jane Doe 3 (and Jane Doe 4) into the CVRA case. That investigation involves not only attorney-client materials, but also work product protections for Jane Doe 1 and Jane Doe 2. This request, then, covers communications going back eight years, and it would involve a review of several hundreds of thousands of emails over that time to identify communications relevant to the potential “witnesses” who might have been able to shed light on the claims in the CVRA case and, in turn, whether sex abuse had been committed by Alan Dershowitz. The burden would be substantial and the relevance would be essentially non-existent. Such a burden is not countenanced by Rule 26 or the prevailing case law. Whatever communications Ms. Giuffre’s attorneys may have had as part of their (work product protected)

investigation would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

The request is also vague because it is not clear precisely what “witnesses” Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre’s lawyers and lawyers for Mr. Epstein and Mr. Dershowitz. Again, the relevance of such communications seems basically non-existent to the action. But because their investigations have spanned eight years, collecting such communications would be difficult. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre’s attorneys with collecting such communications when she can collect them in other ways. Indeed, in light of the fact that Maxwell and Dershowitz have a close working relationship, it is unduly burdensome that Maxwell seeks these items not from her ally but from attorneys for her legal adversary.

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RFP Nos. 9 and 10 request documents concerning communications between Plaintiff or her attorneys and various witnesses. Because the responses are substantially identical, we combine here the discussion of both RFPs and Plaintiff’s respective responses.

As to alleged burdensomeness and overbreadth, we refer the Court to the discussion above of the same objections interposed in response to RFP No. 4. As to relevance, such communications with witnesses certainly bear on Plaintiff’s claim and Ms. Maxwell’s defense, see Fed. R. Civ. P. 26(b)(1). As to assertions of privilege or immunity over any responsive document, to the extent any privilege or immunity applies, Plaintiff must comply with her duties under Local Rule 26.2 and Federal Rule 26(b)(5).

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**RFP No. 11.** Any statement obtained by You or Your attorneys from any witness or potential witness in the CVRA case.

**Response:**

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre objects because the term “statement” is vague and ambiguous, unduly burdensome and overbroad. With regard to communications to Ms. Giuffre’s attorneys, this request seeks clearly privileged materials, because Ms. Giuffre’s attorneys represent not only Ms. Giuffre (Jane Doe 3) in the matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4.

The CVRA case centers on issues surrounding whether the U.S. Government failed to confer and otherwise protect the rights of victims (including Janes Does 1, 2, 3, and 4) during plea negotiations with Jeffrey Epstein.

The CVRA has been in litigation for nearly eight years, and there have been extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims’ counsels and provided to Judge Marra for in camera review). It is not clear whether the request is designed to request all of these communications as “statements,” but if it does capture these communications going back eight years, it would involve a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutor. The burden would be substantial and the relevance would be essentially non-existent. Whatever statements Ms. Giuffre’s attorneys obtained from government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar. Moreover, many materials remain under Judge Marra’s protective order. Accordingly, before Ms. Giuffre’s counsel could even have the option to release certain materials that the Government has provided to him as an attorney in the case, defendant Maxwell would have to approach Judge Marra and seek a modification of the protective order.

The request is also vague because it is not clear precisely what “statements” Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre’s lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of this case. Again, the relevance of such communications seems basically non-existent to the action. But because the case has spanned eight years, collecting such communications would be difficult. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre’s attorneys with collecting such statements when she can collect them in other ways.

**RFP No. 12.** Any statement obtained by You or Your attorneys from any witness or potential witness in the Dershowitz case.

**Response:**

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Ms.



Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre objects because the term “statement” is vague and ambiguous, unduly burdensome and overbroad. The Dershowitz case centers on issues surrounding whether the Ms. Giuffre’s lawyers (Edwards and Cassell) had conduct a sufficient investigation before filing a motion to join Jane Doe 3 (and Jane Doe 4) into the CVRA case. That investigation involves not only attorney-client materials, but also work product protections for Jane Doe 1 and Jane Doe 2. The request potentially covers communications or “statements” going back eight years, and it would involve a review of several hundreds of thousands of emails over that time to identify “statements” made by any “witness” or “potential witness” who might have been able to shed light on whether sex abuse had been committed by Alan Dershowitz. The burden would be substantial and the relevance would be essentially non-existent. Whatever communications Ms. Giuffre’s attorneys may have had as part of their (work product protected) investigation would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

With regard to communications to Ms. Giuffre’s attorneys, this request seeks clearly privileged materials, because Ms. Giuffre’s attorneys represent not only Ms. Giuffre (Jane Doe 3) in the matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4 in the CVRA litigation.

The CVRA has been in litigation for nearly eight years, and there have extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims’ counsels and provided to Judge Marra for in camera review). It is not clear whether the request is designed to request all of these communications as “statements,” but if it does capture these communications going back eight year, it would involve a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutor. The burden would be substantial and the relevance would be essentially non-existent. Whatever statements Ms. Giuffre’s attorneys obtained from government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

The request is also vague because it is not clear precisely what “statements” Defendant Maxwell is concerned about. There have, for example, between communications between Ms. Giuffre’s lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of these cases. Again, the relevance of such communications seems basically non-existent to the action. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. In light of the fact that Maxwell and Dershowitz have a close working relationship, it is



unduly burdensome that Maxwell seeks these items not from her ally but from attorneys for her legal adversary. There is no reason to burden Ms. Giuffre's attorneys will collecting such statements when she can collect them in other ways.

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RFP Nos. 11 and 12 request statements Plaintiff has obtained from witnesses in related cases. Because the responses are substantially identical, we combine here the discussion of both RFPs and Plaintiff's respective responses.

As to alleged burdensomeness and overbreadth, we refer the Court to the discussion above of the same objections interposed in response to RFP No. 4. As to relevance, the written statements of the witnesses certainly bear on Plaintiff's claim and Ms. Maxwell's defense, *see* Fed. R. Civ. P. 26(b)(1). As to Plaintiff's blanket assertions of privilege or immunity over witness statements, to the extent any privilege or immunity applies, Plaintiff must comply with her duties under Local Rule 26.2 and Federal Rule 26(b)(5). While some witness statement might qualify for work product protection, it is clear that some do not, e.g., witness statements that do not reveal an attorney's mental impressions. *See, e.g., Tuttle v. Tyco Elecs. Installation Servs., Inc.*, No. 2:06-CV-581, 2007 WL 4561530, at \*2 (S.D. Ohio Dec. 21, 2007) ("Affidavits are normally not protected by the work product doctrine for the very reason that an affidavit purports to be a statement of facts within the personal knowledge of the witness, and not an expression of the opinion of counsel. Further, Defendants should not be frustrated in their ability to test the perception and credibility of these affiants.") (internal quotations omitted).

**Plaintiff has failed to sign her interrogatory responses.**

Rule 33(b)(5) requires that a party answering interrogatories sign her answers. Plaintiff has failed to do so, despite a request from defense counsel. This violation of Rule 33(b)(5) subjects Plaintiff to sanctions. *See, e.g., Walls v. Paulson*, 250 F.R.D. 48 (D.D.C. 2008)

Ms. Maxwell is entitled to attorney fees incurred in making this Motion.

Under Rule 37(a)(5), if a party is required to file a motion to compel discovery responses and the motion is granted or disclosure or discovery is provided after filing, “the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant’s reasonable expenses incurred in making the motion, including attorney’s fees.” By signing the objections, Plaintiff’s counsel certified the responses and objections were: (i) consistent with these rules and warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law, or for establishing new law; (ii) not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.” Fed. R. Civ. P. 26(g)(1). The sanction for improper certifications of objections requires “the court, on motion or on its own, *must* impose an appropriate sanction on the signer, the party on whose behalf the signer was acting, or both. The sanction may include an order to pay the reasonable expenses, including attorney’s fees, caused by the violation.” Fed. R. Civ. P. 26(g)(3).

Sanctions are appropriate here. Plaintiff’s counsel have interposed improper, sometimes frivolous, objections, and Plaintiff without any substantial justification has simply refused to answer discovery requests.

### CONCLUSION

For the foregoing reasons, the Court should compel Plaintiff to:

1. Overrule Plaintiff’s objections to discovery requests;
2. Provide complete responses Interrogatories 5-8, 13-14, and state what information, if any, information is being withheld on the basis of objection;
3. Provide answers to requests for admissions that comply with Rule 36;
4. Specifically state for each objection made to the requests for production what, if any, documents are being withheld and the specific objection under which it is being withheld;

5. Undertake a reasonable and diligent inquiry for all documents requested in RFP Nos. 1, 4, 9-12 that are in her possession, custody or control, and produce them.

Ms. Maxwell further requests under Fed. R. Civ. P. 26(g) and 37(a)(5) that the Court enter an Order for attorney costs and fees incurred in preparing and prosecuting this Motion.

Dated: August 10, 2016

Respectfully submitted,

/s/ Laura A. Menninger

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*Attorneys for Ghislaine Maxwell*

**CERTIFICATE OF SERVICE**

I certify that on August 10, 2016, I electronically served this *Defendant's Motion to Compel Responses to Defendant's Second Set of Discovery Requests to Plaintiff, and for Sanctions* via ECF on the following:

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/s/ Nicole Simmons  
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# **EXHIBIT B**

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**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

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**PLAINTIFF'S RESPONSES AND OBJECTIONS TO DEFENDANT'S SECOND  
REQUEST FOR PRODUCTION AND DEFENDANT'S INTERROGATORIES,  
PLAINTIFF'S ANSWERS TO DEFENDANT'S REQUESTS FOR ADMISSION**

Pursuant to Federal Rules of Civil Procedure 26, 33, 34, Plaintiff hereby serves her responses and objections to Defendant's Second Set of Discovery Requests and serves her Answers to Defendant's Requests for Admission.

**GENERAL OBJECTIONS**

Defendant's Discovery Requests violate Rule 33, Fed. R. Civ. P., which provides "a party may serve on any other party no more than 25 interrogatories, including all discrete subparts" – in that Defendant has served a total of 59 interrogatories in this case, including subparts, in violation of Rule 33.

Ms. Giuffre objects to Defendant's Second Set of Discovery Requests to the extent they seek information that is protected by any applicable privilege, including but not limited to, attorney client privilege, work product privilege, joint defense privilege, public interest privilege, and any other applicable privilege.

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Ms. Giuffre objects to the requests to the extent Defendant's Second Set of Discovery Requests call for the production of documents or information that is already in the possession, custody, or control of the Defendant. Ms. Giuffre further objects to the requests to the extent that Defendant's Second Set of Discovery Requests are duplicative of documents and information that can equally or more readily be obtained by the Defendant.

Ms. Giuffre objects to the requests to the extent that they seek documents that are not relevant, material, or necessary to this action and, thus, are not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre further objects because Defendant's Second Set of Requests for Production seeks documents that are in no way limited to their relation to this case. Indeed, they seek documents that are not important to resolving the issues; documents that are not relevant to any party's claim or defense; and documents that are not proportional to the needs of the case. Such requests would create a heavy burden on Ms. Giuffre that outweighs any benefit. Such discovery is prohibited by the Federal Rules of Civil Procedure, particularly under the 2015 amendments to Rule 26(b)(1), Fed. R. Civ. P., and is wholly inappropriate.

Ms. Giuffre objects to the requests to the extent that they are overly broad and unduly burdensome, as individually logging all privileged responsive documents would be overly burdensome. Plaintiff contends that requests targeting such privileged information are overly broad under Rule 26(b)(1), Fed. R. Civ. P. Specifically, Ms. Giuffre objects to the requests as overly burdensome to the extent that they would require logging voluminous and ever-increasing privileged communications between Ms. Giuffre and her counsel after the date litigation commenced on September 21, 2015. Ms. Giuffre additionally objects to the requests as overly burdensome to the extent that they would require logging voluminous privileged documents between Ms. Giuffre and her counsel related to *Jane Doe #1 and Jane Doe #2 v. United States*,



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Case no. 08-80736 CIV-Marra, pending in the Southern District of Florida; *Bradley Edwards and Paul Cassell v. Alan Dershowitz*, Case no. CACE 15-000072, from the Seventeenth Judicial Circuit, Broward County, Florida; and *Jane Doe No. 102 v. Jeffrey Epstein*, Case No. 09-80656-CIV-Marra/Johnson (Southern District of Florida). Accordingly, due to the undue burden of individually logging responsive privileged documents related to Defendant's overly broad requests, Plaintiff has employed categorical logging of such privileged responsive documents pursuant to Local Civil Rule 26.2(c).

Ms. Giuffre objects to the requests in that they seek to invade her privacy for the sole purpose of harassing and intimidating Ms. Giuffre who was a minor victim of sexual trafficking.

Ms. Giuffre objects to the requests to the extent they are overly broad and unduly burdensome.

Ms. Giuffre's responses to Defendant's Second Set of Discovery Requests as being made after reasonable inquiry into the relevant facts, and are based only upon the information and documentation that is presently known to her. Ms. Giuffre reserves the right to modify and/or supplement her responses. Ms. Giuffre has produced documents and information in response to these Requests.

Ms. Giuffre incorporates her above-listed general objections in the responses herein.

### **INTERROGATORIES**

5. Identify each Communication that You or Your Attorneys have had with any author, reporter, correspondent, columnist, writer, commentator, investigative journalist, photojournalist, newspaper person, freelance reporter, stringer, or any other employee of any media organization or independent consultant to the same, including:

- a. the date of any such Communication;

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- b. the form of any such Communication, whether oral or written and if written, the format of any such Communication;
- c. the identities of all persons involved in such Communication, including, the identity of the media organization with whom the agent is or was affiliated;
- d. the article title, date of publication, and means of publication of any article, report, or re-printing of any such Communication made by You or Your Attorneys;
- e. the amount of Income that You and/or Your Attorneys received in exchange for any such Communication;
- f. the dates on which You and/or Your Attorneys received any such Income for any such Communication.

**Response to Interrogatory No. 5:**

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, work product protections, and any other applicable privilege or protection as stated in the General Objections.

Ms. Giuffre further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome as it is not limited in time, manner, or subject matter. The request is grossly over broad in that it does not require the communication to have *any connection* with Ms. Giuffre or this case whatsoever. Indeed, a response to this interrogatory would require each of Ms. Giuffre's attorneys to research and find any communication they *have ever had* with a journalist, for every year of their practice, regardless of what case was involved, and regardless of what year the communication was made. Ms. Giuffre's attorney's, collectively, have worked

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on hundreds (if not thousands) of matters, and collectively have well over 100 years of combined practice experience. Accordingly, a request that each of these attorneys list *all communications with the media* is facially overbroad.

Additionally, Ms. Giuffre objects to this Interrogatory because a response would cause Ms. Giuffre the incredible and undue burden of having to catalogue literally hundreds of communications that she has already produced in this case.

Moreover, Ms. Giuffre objects because this interrogatory calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Communications with the media regarding cases that bear no relation to the subject matter of this case, from decades in the past, are facially invalid and not calculated to lead to the discovery of admissible evidence.

Ms. Giuffre additionally objects to the extent that this interrogatory seeks the communications of her attorneys, any author, reporter, correspondent, columnist, writer, commentator, investigative journalist, photojournalist, newspaper person, freelance reporter, stringer, or any other employee of any media organization or independent consultant as such interrogatory is overly broad and unduly burdensome. Furthermore, Ms. Giuffre is not obligated to produce anything currently in the possession of Defendant Maxwell or her attorneys.

Notwithstanding such objections, Ms. Giuffre has already produced her responsive communications, which are found in documents Bates labelled GIUFFRE000001 to GIUFFRE007566.

6. Identify any "false statements" attributed to Ghislaine Maxwell which were "published globally, including within the Southern District of New York" as You contend in paragraph 9 of Count I of Your Complaint, including:

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- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication; and the nature of the publication, whether in print, internet, broadcast or some other form of media.

**Response to Interrogatory No. 6:**

Ms. Giuffre objects because the information interrogatory above *is in the possession of Defendant* who has failed to comply with her production obligations in this matter, and has failed to comply with her production obligations with this very subject matter. *See* Document Request No. 17 from Ms. Giuffre's Second Request for Production of Documents to Defendant Ghislaine Maxwell.<sup>1</sup> Maxwell has not produced all "URL or Internet addresses for any internet version of such publication" that she directed her agent, Ross Gow, to send.

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<sup>1</sup> Request No. 17 stated: Produce all documents concerning any statement made by You or on Your behalf to the press or any other group or individual, including draft statements, concerning Ms. Giuffre, by You, Ross Gow, or any other individual, from 2005 to the present, including the dates of any publications, and if published online, the Uniform Resource Identifier (URL) address. In response, Defendant stated: "Ms. Maxwell objects to this Request on the grounds that it is cumulative and duplicative. Ms. Maxwell also objects to this Request to the extent it calls for information that exists within the public domain, the internet or in public court records and which are equally available to both parties and can be obtained from some other source that is more convenient, less burdensome, and less expensive. Ms. Maxwell further objects to this Request to the extent it seeks documents or information protected by the attorney/client privilege, the work-product doctrine, or any other applicable privilege. Ms. Maxwell is not producing documents that are available in the public domain. Ms. Maxwell has been unable to locate any additional documents responsive to this Request."

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Ms. Giuffre further objects because the information requested above *is in the possession of Defendant's agent*, who caused the false statements to be issued to various media outlets. Ms. Giuffre has not had the opportunity to depose Maxwell's agent Ross Gow; therefore, this answer remains incomplete. Consequently, Ms. Giuffre reserves the right to modify and/or supplement her responses, as information is largely in the possession of the Defendant and her agent.

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre objects to this request because it is in the public domain. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Notwithstanding such objections, Ms. Giuffre has already produced documents responsive to this request; Bates labelled GIUFFRE000001 to GIUFFRE007566, and supplements such responsive documents with the following list of publications. While the identification of an exhaustive responsive list would be unduly burdensome, in an effort to make a good faith effort towards compliance, Ms. Giuffre provides the following examples, which are incomplete based on the aforementioned reasons:

| Date            | Nature   | Publishing Entity | Statement/URL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------|----------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| January 2, 2015 | Internet | Ross Gow          | <p>Jane Doe 3 is Virginia Roberts - so not a new individual. The allegations made by Victoria Roberts against Ghislaine Maxwell are untrue. The original allegations are not new and have been fully responded to and shown to be untrue.</p> <p>Each time the story is re told it changes with new salacious details about public figures and world leaders and now it is alleged by Ms. Roberts that Alan Dershowitz is involved in having sexual relations with her, which he denies.</p> <p>Ms. Roberts's claims are obvious lies and should be treated as such and not publicized as news, as they are defamatory.</p> <p>Ghislaine Maxwell's original response to the lies and defamatory claims remains the same. Maxwell strongly denies allegations of an unsavoury nature, which have appeared in the British press and elsewhere and reserves her right to seek redress at</p> |

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|                 |                      |                    |                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------|----------------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                 |                      |                    | the repetition of such old defamatory claims.                                                                                                                                                                                                                                                                                                                                                                                 |
| January 3, 2015 | Internet             | Telegraph          | <a href="http://www.telegraph.co.uk/news/uknews/theroyalfamily/11323872/Prince-Andrew-denies-having-relations-with-sex-slave-girl.html">http://www.telegraph.co.uk/news/uknews/theroyalfamily/11323872/Prince-Andrew-denies-having-relations-with-sex-slave-girl.html</a>                                                                                                                                                     |
| January 4, 2015 | Internet             | Express            | <a href="http://www.express.co.uk/news/world/550085/Ghislaine-Maxwell-Jeffrey-Epstein-not-madam-paedophile-Florida-court-case-Prince-Andrew">http://www.express.co.uk/news/world/550085/Ghislaine-Maxwell-Jeffrey-Epstein-not-madam-paedophile-Florida-court-case-Prince-Andrew</a>                                                                                                                                           |
| January 3, 2015 | Internet             | Daily Mail         | <a href="http://www.dailymail.co.uk/news/article-2895366/Prince-Andrew-lobbied-government-easy-Jeffrey-Epstein-Palace-denies-claims-royal-tried-use-influence-help-billionaire-paedophile-2008-police-probe.html">http://www.dailymail.co.uk/news/article-2895366/Prince-Andrew-lobbied-government-easy-Jeffrey-Epstein-Palace-denies-claims-royal-tried-use-influence-help-billionaire-paedophile-2008-police-probe.html</a> |
| January 3, 2015 | Internet             | Huffington Post    | <a href="http://www.huffingtonpost.co.uk/2015/01/03/duke-of-york-sex-abuse-claims_n_6409508.html">http://www.huffingtonpost.co.uk/2015/01/03/duke-of-york-sex-abuse-claims_n_6409508.html</a>                                                                                                                                                                                                                                 |
| January 4, 2015 | Internet             | Jewish News Online | <a href="http://www.jewishnews.co.uk/dershowitz-nothing-prince-andrews-sex-scandal/">http://www.jewishnews.co.uk/dershowitz-nothing-prince-andrews-sex-scandal/</a>                                                                                                                                                                                                                                                           |
| January 2, 2015 | Internet             | Bolton News        | <a href="http://www.theboltonnews.co.uk/news/national/11700192.Palace_denies_Andrew_sex_case_claim/">http://www.theboltonnews.co.uk/news/national/11700192.Palace_denies_Andrew_sex_case_claim/</a>                                                                                                                                                                                                                           |
| January 5, 2015 | Internet / Broadcast | NY Daily News      | <a href="http://www.nydailynews.com/news/world/alleged-madame-accused-supplying-prince-andrew-article-1.2065505">http://www.nydailynews.com/news/world/alleged-madame-accused-supplying-prince-andrew-article-1.2065505</a>                                                                                                                                                                                                   |
| January 5, 2015 | Internet / Broadcast | AOL UK             | <a href="http://www.aol.co.uk/video/ghislaine-maxwell-declines-to-comment-on-prince-andrew-allegations-518587500/">http://www.aol.co.uk/video/ghislaine-maxwell-declines-to-comment-on-prince-andrew-allegations-518587500/</a>                                                                                                                                                                                               |

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7. State whether You believe that You have ever been defamed by anyone other than Ghislaine Maxwell. If so, as to each alleged act of Defamation, state

- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication; and
- e. the nature of the publication, whether in print, internet, broadcast or some other form of media.

**Response to Interrogatory No. 7:**

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Without waiving the aforementioned objections, Alan Dershowitz published statements about Ms. Giuffre in January 2015 and thereafter that remain in the public realm. Ms. Giuffre does not have knowledge as to every time and place that she was defamed by Dershowitz, and she is not required to provide such an exhaustive list as all relevant instances of defamation are available through public sources, and identification of the numerous publically made statements would be unduly burdensome. Furthermore, upon information and belief, all defamatory statements made towards Ms. Giuffre by Dershowitz are within the knowledge and possession of Maxwell and her attorneys or can be easily obtained by contacting Dershowitz.



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8. Identify the individuals referenced in Your pleadings filed in the U.S. District Court for the Southern District of Florida, *Jane Doe I and Jane Doe 2 v. United States of America*, 08-cv-80736-KAM, as the “high-profile non-party individuals” to whom Mr. Jeffrey Epstein sexually trafficked You, “including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders,” including as to each episode of alleged sexual trafficking:

- a. the date of any such sexual trafficking;
- b. the location of any such sexual trafficking;
- c. any witnesses to any such sexual trafficking;
- d. any Income You received in exchange for such sexual trafficking; and
- e. any Documents You have to support or corroborate Your claim of such sexual trafficking.

**Response to Interrogatory No. 8:**

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre refers to the list of witnesses identified in her Revised Rule 26 Disclosures. Also, notwithstanding previously-noted objections, Ms. Giuffre testified in *Edwards v. Cassell*, Broward County Case Number CACE 15-000072 on January 16, 2016, regarding the subject matter requested. *See* GIUFFRE005094- GIUFFRE007566. Ms. Giuffre additionally testified regarding the subject matter requested in this interrogatory on in the above-captioned case in her deposition on May 3, 2016. Additionally, Ms. Giuffre was trafficked to other individuals whose name she never learned or whose names she does not remember. Identification of any other

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individuals would be irrelevant and unduly burdensome. Moreover, as specifically provided in Rule 33.3(b), "[d]uring discovery, interrogatories other than those seeking information described in paragraph (a) [] may only be served (1) if they are a more practical method of obtaining the information sought than a request for production or a deposition or (2) if ordered by the Court." Because Ms. Giuffre has provided an answer to this interrogatory in her deposition, which was a more practical method of obtaining the information sought, this interrogatory is improper under the Local Rules as well as wholly duplicative.

11. Identify any facts upon which You base Your contention that You have suffered as a result of the Alleged Defamation by Ghislaine Maxwell "past and future lost wages and past and future loss of earning capacity and actual earnings – precise amounts yet to be computed, but not less than \$5,000,000."

**Response to Interrogatory No. 11:**

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as it, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre also objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre incorporates by reference herein her Revised Rule 26 disclosures. Notably, Ms. Giuffre's Rule 26 disclosures have been revised to reflect that she is not seeking a specific monetary damage in the form of a specific lost wage claim.

13. Identify any Health Care Provider from whom You received any treatment for any physical, mental or emotional condition, including addiction to alcohol, prescription or illegal drugs, that You suffered from prior to the Alleged Defamation by Ghislaine Maxwell, including:

- a. the Health Care Provider's name, address, and telephone number;

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- b. the type of consultation, examination, or treatment provided;
- c. the dates You received consultation, examination, or treatment;
- d. whether such treatment was on an in-patient or out-patient basis;
- e. the medical expenses to date;
- g. whether health insurance or some other person or organization or entity has paid for the medical expenses; and
- h. For each such Health Care Provider, please execute the medical and mental health records release attached hereto as Exhibit A.

**Response to Interrogatory No. 13:**

Ms. Giuffre objects to this interrogatory because it violates this Court's Order. The Court has excluded the production of medical records from prior to 1999, stating, "the damage issue relates, in my view, solely to the defamation." (April 21, 2016, Hearing Transcript at 20:23-24). This holding applies to pre-1999 medical records. As this interrogatory is not limited to the time period ordered by this Court, Ms. Giuffre objects.

Ms. Giuffre objects to this interrogatory in that it is overbroad and not limited in scope to the medical information relating to the abuse she suffered from Defendant and Jeffrey Epstein.

Ms. Giuffre objects because Rule 26 does not allow discovery that is so burdensome as to require a Herculean effort by an adult to track down every possible prescription ever written for Ms. Giuffre, or every physician who ever treated Ms. Giuffre, even as a small child. Such a request is not only impractical and unduly burdensome, but likely impossible. Accordingly, such an interrogatory is merely for the purpose of imposing a burden on Ms. Giuffre and her attorneys, not to mention the purposes of harassment.

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Pursuant to the Rules, if requested documents are not yielded in a “reasonable inquiry,” Ms. Giuffre is not obligated to expend all of her time and resources on a quest to gather medical files from her birth to the present to find any prescriptions ever written for her for anything at all. *See, e.g., Manassis v. New York City Dep't of Transp.*, No. 02 CIV. 359SASDF, 2002 WL 31115032, at \*2 (S.D.N.Y. Sept. 24, 2002) (concluding that “ability to pursue discovery regarding [plaintiff's] medical records should be limited in some manner”); *Evanko v. Electronic Systems Assoc., Inc.*, No. 91 Civ. 2851, 1993 WL 14458 at \*2 (S.D.N.Y. Jan. 8, 1993) (applying the New York state physician-patient privilege, and holding that where plaintiff claimed that she suffered emotional distress, defendants did not have “a license to rummage through all aspects of the plaintiff's life in search of a possible source of stress or distress,” including plaintiff's medical records); *Wachtman v. Trocaire College*, 532 N.Y.S.2d 943, 944 (N.Y. App. Div. 1988) (holding that the scope of a waiver of the physician-patient privilege in personal injury cases is “limited and does not permit discovery of information involving unrelated illnesses and treatment”); *Sgambellone v. Wheatley*, 165 Misc.2d 954, 958, 630 N.Y.S.2d 835, 838 (N.Y. Sup.Ct. 1995) (holding that in a personal injury action, plaintiff's waiver of the physician-patient privilege “is not a wholesale waiver of all information about the plaintiff's entire physical and mental conditions but a waiver *only* of the physical and/or mental condition that is affirmatively placed in controversy”) (emphasis in original).

Finally, Ms. Giuffre objects in that it seeks information protected by the doctor-patient privilege, and any other applicable privilege stated in the General Objections. Ms. Giuffre further objects to this interrogatory in that it violates Rule 33 as its subparts, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre further

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objects to this request in that it is overbroad and seeks confidential medical information of a sex abuse victim and is not limited in scope to the issues in this case.

Without waiving such objections, Ms. Giuffre has already produced her responsive documents Bates labelled GIUFFRE000001 to GIUFFRE007566, and supplements such documents as follows:

| MEDICAL PROVIDER                    | HEALTHCARE PROVIDED                                                                                          | ACTION TAKEN                                          | RELATED GIUFFRE PRODUCTION                                                                                                                         |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Dr. Olsen                           | [REDACTED]                                                                                                   | 3/8/16<br>Letter<br>Request                           | Giuffre005342-005346 St.<br>Thomas More Hospital Records (Dr.<br>Olsen)<br>Giuffre005492-005496 St.<br>Thomas More Hospital Records (Dr.<br>Olsen) |
| Centura<br>Health                   | [REDACTED]<br>[REDACTED]                                                                                     | 5/23/16<br>Letter<br>Request                          | Giuffre005498 Centura Health<br>Release Form (All Medical Records)<br>Giuffre005501-005569 Responsive<br>Records (Centura Health)                  |
| Dr. Carol<br>Hayek                  | [REDACTED]                                                                                                   | 3/8/16<br>Ltr<br>Request<br>4/28/16<br>Ltr<br>Request | Giuffre and counsel contacted<br>physician's office via telephone and<br>email to follow up.                                                       |
| Dr. Chris<br>Donahue                | [REDACTED]                                                                                                   | 4/5/16<br>Ltr<br>Request                              | Giuffre 006631-006635 (Dr. Donahue)                                                                                                                |
| Dr. John<br>Harris/Dr.<br>Majliyana | [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED] | 4/5/16<br>Ltr<br>Request                              | Giuffre005315 005322<br>The Entrance Medical Centre<br>(Dr. John Harris and Dr. Darshanee<br>Mahaliyana)                                           |
| Dr. Wah<br>Wah                      | [REDACTED]                                                                                                   | 4/5/16<br>Ltr<br>Request                              | Giuffre005339 005341<br>Central Coast Family Medicine<br>(Dr. Wah Wah)                                                                             |
| Dr. Sellathuri                      | [REDACTED]<br>[REDACTED]                                                                                     | 4/5/16<br>Ltr                                         | Giuffre005089 005091<br>("Dr. M. Sella")                                                                                                           |

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| MEDICAL PROVIDER                            | HEALTHCARE PROVIDED | ACTION TAKEN                            | RELATED GIUFFRE PRODUCTION                                                                                                                      |
|---------------------------------------------|---------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
|                                             |                     | Request                                 |                                                                                                                                                 |
| Royal Oaks Medical Center                   |                     | 4/5/16 Ltr Request                      | Giuffre005347 005349 Royal Oaks Medical Center's Response (No Records)                                                                          |
| NY Presbyterian Hospital                    |                     | Produced                                | Giuffre003258 003290 New York Presbyterian Hospital                                                                                             |
| Campbelltown Hospital/ Sydney West Hospital |                     | Produced                                | Giuffre003193 003241 Camselltown Hospital/Camden Hospital (Dr. Elbeaini)<br>Giuffre003242 003257 Macarthur Health Service (Dr. Elbeaini)        |
| Sydney West Hospital / Westmead Hospital    |                     | Produced                                | Giuffre 003291-003298 Sydney West/Westmead Hospital                                                                                             |
| Dr. Karen Kutikoff                          |                     | Release Provided to Defendant's Counsel | 04/29/16 Sent via e-mail signed release to Menninger (obtain records directly).                                                                 |
| Wellington Imaging Associates               |                     | Release Provided to Defendant's Counsel | 04/29/16 Sent via e-mail signed release to Menninger (obtain records directly).                                                                 |
| Growing Together                            |                     | Release Provided to Defendant's Counsel | 04/29/16 Sent via e-mail signed release to Menninger (obtain records directly).                                                                 |
| Ms. Judith Lightfoot                        |                     | 5/4/16 Ltr Request                      | Giuffre 005431-005438 Medical Release Form with documents (Ms. Lightfoot)<br>Giuffre006636 Correspondence stating no further records available. |
| Dr. Mona Devanesan                          |                     | 3/28/16 Ltr                             | Evidence of efforts to obtain records and of Dr. Devanesan's retirement were                                                                    |

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| MEDICAL PROVIDER        | HEALTHCARE PROVIDED | ACTION TAKEN                       | RELATED GIUFFRE PRODUCTION                                                                  |
|-------------------------|---------------------|------------------------------------|---------------------------------------------------------------------------------------------|
|                         |                     | Request                            | produced as GIUFFRE005335-5338.                                                             |
| Dr. Scott Robert Geiger | [REDACTED]          | ER Treating Physician              | Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record) |
| Dr. Joseph Heaney       | [REDACTED]          | ER Treating Physician              | Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record) |
| Donna Oliver, PA        | [REDACTED]          | ER Treating Physician Referral ENT | Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record) |
| Dr. Michele Streeter    | [REDACTED]          | ER Treating Physician              | Giuffre 005498-005569 Centura Health Medical Release Form (Requested Entire Medical Record) |

The records in the chart above bear the date of treatment, the type of treatment, and indicate whether the treatment was inpatient or outpatient. Ms. Giuffre is not certain as to her the sum of her medical expenses from 1999 to the present, and therefore is unable to answer that subpart. Ms. Giuffre is not aware of what health insurance carrier or other organization paid for her historical medical expenses unless it is identified on the records produced to the Defendant. Subpart (h) is an inappropriate interrogatory; however, for each provider listed above, Ms. Giuffre already submitted medical releases for all records related to Ms. Giuffre.

14. Identify any Person who You believe subjected You to, or with whom You engaged in, any illegal or inappropriate sexual contact, conduct or assault prior to June 1999, including the names of the individuals involved, the dates of any such illegal or inappropriate sexual contact, conduct or assault, whether Income was received by You or anyone else concerning such event, whether a police report was ever filed concerning such event and the outcome of any such case, as well as the address and location of any such event.



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**Response to Interrogatory No. 14:**

Ms. Giuffre objects to this request in that it is overbroad and invades Ms. Giuffre right to privacy (including her constitutionally-protected right of privacy) by seeking confidential information relating to the sexual abuse of a minor sex abuse victim. Ms. Giuffre objects to this request in that it seeks sexual assault information for a period prior to the sexual abuse at issue in this matter, and for a period when she was a minor child. The Court has excluded the production of medical records from prior to 1999, stating, “the damage issue relates, in my view, solely to the defamation.” (April 21, 2016, Hearing Transcript at 20:23-24). This holding applies equally to pre-1999 sexual assault for two reasons. First, sexual assault is not only a crime, but a physical injury, and an injury for which medical treatment is needed and for which a forensic medical exam is often performed. Accordingly, any documentation of sexual assault is necessarily akin to a medical record, and therefore precluded under the Court's April 21, 2016 Order. Furthermore, this Court's holding likely expands specifically to sexual abuse and assault prior to 1999, because the holding was in response to the following argument from Ms. Menninger: “She has also alleged, for example, that many, several, three, I think, at last count, or four individuals had sexually abused her prior to ever meeting Mr. Epstein.” (April 21, 2016, Hearing Transcript at 11:24-12:2).

Additionally, it has become increasingly clear that Defendant's counsel is seeking these documents for the improper purpose of harassment as part of Defendant's counsel's campaign to blame the victim and make Ms. Giuffre (who was 15 years old or younger at the time of the requested documents). Maxwell's counsel has used offensive language in this proceeding at every turn. First, Ms. Menninger called Ms. Giuffre a “professional victim” in open court. (January 14, 2016 Hearing Transcript at 5:9). Then, Mr. Pagliuca stated that Ms. Giuffre “cried

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rape" in reference to police reports describing incidents that took place when Ms. Giuffre was *fourteen years old*. (March 21, 2016, meet and confer call). Then, Defendant's responses to Ms. Giuffre's interrogatories shockingly called this victim of sexual abuse a "sexually permissive woman." (Defendant's Response to Plaintiff's First Set of Interrogatories). This last blame-the-victim contention is strange and ironic for two reasons. First, Ms. Giuffre was a minor child, not a "woman," when Defendant sexually abused her. Second, it was Defendant and Mr. Epstein who trafficked her to other individuals - therefore, it was Defendant and Mr. Epstein's "permission" given to others to use Ms. Giuffre's sexually. Such language from Defendant and her counsel is wholly inappropriate.

Ms. Giuffre also objects to this request because such events would have taken place in Florida, and information relating to those events is protected from disclosure by law. Florida statutes protect "[a]ny information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery . . . which reveals that minor's identity." Fla. Stat. § 119.071. Additionally, Fla. Stat. 985.036 protects records where a juvenile is a victim of a crime. Further, Section 794.026, Fla. Stat., creates a civil right of action against an individual who communicates to others, identifying information concerning the victim of a sexual offense. Additionally, Second, Fla. Stat. § 985.04 and Fla. Stat. § 985.054 make juvenile law enforcement records confidential from members of the public, and states that information obtained by a law enforcement agent participating in the assessment of a juvenile is confidential. Finally, certain of the police reports implicate Ms. Giuffre's involvement with the Florida Department of Children and Families, *see e.g.*, GM\_00750, and if such reports are part of the State's Department of Children and Families' records, they are confidential pursuant to Fla. Stat. § 39.202(6). Accordingly, Ms. Giuffre objects to this request for the reasons stated in this paragraph.

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Ms. Giuffre additionally objects to this request in that it is sought solely to harass, and intimidate Ms. Giuffre who is a victim of sexual abuse by the Defendant. Ms. Giuffre objects on the basis that Defendant is not entitled to a full-scale production of everything that has happened throughout the entire course of her life time, particularly the time sought in this request which predates Defendant's meeting and abuse of Ms. Giuffre. A victim of sexual abuse should not be re-abused by having to disclose events that occurred prior to the time that she was sexually abused by Maxwell and her co-conspirators.

Furthermore, discovery concerning Ms. Giuffre's prior sexual assault is not relevant to the claim at issue in this case, the defenses at issue, or the damages claimed, and therefore well outside the scope of discovery permitted by Fed. R. Civ. P. 26. Specifically, Ms. Giuffre's sexual abuse as minor child neither proves nor disproves Defendant and Epstein's sexual abuse; therefore, it is not within the scope of discovery permitted by Fed. R. Civ. P. 26, particularly since the December 1, 2015, amendments to the Rule. "Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Fed. R. Civ. P. 26(b)(1). Giving testimony on such irrelevant, but painful, topics would be extraordinarily embarrassing, oppressive, and traumatic for Ms. Giuffre, and it is wholly irrelevant to any party's claim or defense. Accordingly, such discovery is not sought in good faith.

This request is particularly improper as it cannot conceivably lead to admissible evidence. While Federal Rule of Civil Procedure 26 controls the limits of discovery, FRE 412

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informs discovery over the boundaries of the proper inquiry into an alleged sexual assault victim's sexual conduct and history. *Silva v. Pioneer Janitorial Servs., Inc.*, No. CIV.A. 10-11264-JGD, 2011 WL 4729783, at \*1 (D. Mass. Oct. 4, 2011). *See also Gibbons v. Food Lion, Inc.*, No. 98-1197-CIV-T-23F, 1999 WL 33226474, at \*2 (M.D. Fla. Feb. 19, 1999) (stating that a majority of courts that have considered whether Fed. R. Evid. 412 is applicable to discovery “have found that Rule 412 has significance in the resolution of a discovery dispute”).

“As explained in the Advisory Committee Notes regarding the 1994 amendments to Rule 412, ‘[t]he rule aims to safeguard the alleged victim against the invasion of privacy, potential embarrassment and sexual stereotyping that is associated with public disclosure of intimate sexual details and the infusion of sexual innuendo into the factfinding process.’ Moreover, although the Advisory Committee Notes acknowledge that the procedures set forth in the Rule for determining the admissibility of evidence relating to an alleged victim's past sexual conduct or predisposition do not apply to discovery, they nevertheless provide as follows:

In order not to undermine the rationale of Rule 412 ... ***courts should enter appropriate orders pursuant to Fed.R.Civ.P. 26(c) to protect the victim against unwarranted inquiries and to ensure confidentiality. Courts should presumptively issue protective orders barring discovery unless the party seeking discovery makes a showing that the evidence sought to be discovered would be relevant under the facts and theories of the particular case, and cannot be obtained except through discovery.*** In an action for sexual harassment, for instance, while some evidence of the alleged victim's sexual behavior and/or predisposition in the workplace may perhaps be relevant, non-workplace conduct will usually be irrelevant.

*Silva*, 2011 WL 4729783, at \*1. (emphasis added). Accordingly, Ms. Giuffre objects to this request based on the Federal Rules of Evidence and prevailing case law applying such Rules.

Ms. Giuffre objects to this interrogatory in that it violates Rule 33 as it, in combination with the other interrogatories, exceed the allowable twenty-five interrogatories. Ms. Giuffre

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objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Additionally, to the extent that it is available to Ms. Giuffre, all of this information is already in the possession of Maxwell as she obtained and produced police reports regarding Ms. Giuffre, which Ms. Giuffre did not have in her possession. Ms. Giuffre was also questioned for seven hours in her May 3, 2016, deposition by Defendant's attorney. Finally, where a party possesses records and documents obtained or generated illegally, the court has the equitable power to vindicate and protect the rights of the parties affected. *Socialist Workers Party v. Attorney Gen. of U.S.*, 666 F. Supp. 621, 623 (S.D.N.Y. 1987). For all of the foregoing reasons, Ms. Giuffre objects to this request.

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**REQUESTS FOR ADMISSION**

1. Admit that you were not 15 years old when you first met Ghislaine Maxwell.

**Response to Request For Admission No. 1:**

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

2. Admit that you were not 15 years old when you first met Jeffrey Epstein.

**Response to Request For Admission No. 2:**

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from august 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

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3. Admit that you were not 15 years old at the time you claim you were sexually trafficked by Jeffrey Epstein.

**Response to Request For Admission No. 3:**

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

4. Admit that Ghislaine Maxwell did not celebrate your 16th birthday with You.

**Response to Request For Admission No. 4:**

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor. While she now knows, based on this discovery, that it could not have been her 16th birthday that Ghislaine celebrated, she now has conclusive proof that she was an underage minor when



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Ghislaine Maxwell approached and recruited her for illegal purposes, and she remembers celebrating a birthday with Ghislaine Maxwell.

5. Admit that Ghislaine Maxwell did not make a joke on your 16th birthday after You blew out an array of candles and said You "would be soon getting too old for Jeffrey's taste, and soon they'd have to trade me in."

**Response to Request For Admission No. 5:**

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor. While she now knows, based on this discovery, that it was not her 16th birthday that she celebrated with Ghislaine Maxwell, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached and recruited me for illegal purposes, and she remember celebrating a birthday with Ghislaine Maxwell, during which she made the referenced joke.

6. Admit that you did not work at Mar-a-Lago when you were 15 years old.

**Response to Request For Admission No. 6:**

Denied in part. At the time Ms. Giuffre made the statement, many years after the events occurred, she firmly believed she was 15 years old when she was recruited away from her job at

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Mar-a-Lago by Ghislaine Maxwell. She later obtained some records from Mar-a-Lago which indicated that she was employed there during the year 2000. From January, 2000 through August 9, 2000, she was 16 years old; from August 9, 2000 through December 2000 she was 17 years old. While she now knows, based on this discovery, that she was not 15 years old, she now has conclusive proof that she was an underage minor when Ghislaine Maxwell approached her, recruited her, introduced her to Jeffrey Epstein, and sexually trafficked her as an underage minor.

7. Admit that you did not work for Jeffrey Epstein for four years.

**Response to Request For Admission No. 7:**

Denied in part. At the time she made the statement, many years after the events occurred, and based purely from memory without the assistance of any documents, she firmly believed she was with Jeffrey Epstein over a four year period. With the assistance of various records obtained after she made that statement, she now knows that she was not with Jeffrey Epstein for four years. She was sent to Thailand by Jeffrey Epstein in September 2002 and that was the last time she saw him.

8. Admit that You did not spend four years as an underage sex slave for Jeffrey Epstein.

**Response to Request For Admission No. 8:**

Denied in part. At the time she made the statement, many years after the events occurred and based purely from memory without the assistance of any documents, she firmly believed she was with Jeffrey Epstein over a four year period. With the assistance of various records obtained after she made that statement, she now knows that she was not with Jeffrey Epstein for four years; however she was a sex slave for Jeffrey Epstein for years.

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9. Admit that you were no younger than 17 years old when you worked at Mar-a-Lago.

**Response to Request For Admission No. 9:**

Denied. After thorough investigation, she has only been able to discover the year in which she worked at Mar-a-Lago was 2000, and consequently was recruited by Ghislaine Maxwell, for sex with Epstein. The month has not been made available, therefore denied.

10. Admit that You never observed Ghislaine Maxwell ever have any sexual contact with any person under the age of 18.

**Response to Request For Admission No. 10:**

Denied.

11. Admit that You never observed Bill Clinton on the island of Little St. James.

**Response to Request For Admission No. 11:**

Denied.

12. Admit that You never had a conversation with Bill Clinton regarding him flying with Ghislaine Maxwell in a helicopter.

**Response to Request For Admission No. 12:**

Objection. Defendant Maxwell has clearly incorrectly interposed and comingled the facts which comprise the foundation of this request for admission. Ms. Giuffre has never alleged that she "had a conversation with Bill Clinton regarding him flying with Ghislaine Maxwell in a helicopter." Instead, Ms. Giuffre has alleged, "I flew to the Caribbean with Jeffrey and then Ghislaine Maxwell went to pick up Bill [Clinton] in a huge black helicopter that Jeffrey had bought her." Sara Nathan, *Bill Clinton Pictured with Jeffrey Epstein's Social Fixer*, Daily Mail, (12 January 2015).

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As a threshold matter, a court must determine whether the statements set forth in a request for admissions satisfy the formal requirements of Rule 36: "(e)ach request for admissions must be direct, simple and 'limited to singular relevant facts,'" *United States v. Consolidated Edison Co.*, 1988 WL 138275 (E.D.N.Y. [Dec. 15, 1988] ) (quoting *S.E.C. v. Micro-Moisture Controls*, 21 F.R.D. 164, 166 (S.D.N.Y.1957)), so that "it can be admitted or denied without explanation." [8 C. Wright & A. Miller,] *Federal Practice and Procedure*, § 2258 [(1970)]. A request "should not state 'half a fact' or 'half-truths' which require the answering party to qualify responses." *Havenfield Corp. v. H & R Block, Inc.*, 67 F.R.D. 93, 96–97 (W.D.Mo.1973); *Dubin*, 125 F.R.D. at 375–76. *See also Thalheim v. Eberheim*, 124 F.R.D. 34, 35 (D.Conn.1988) (court must consider phraseology of requests as carefully as that of answers or objections).

Consequently, Ms. Giuffre objects to answering this request for admission as it is based on "half-truths," which make it impossible to answer without a qualified response.

13. Admit that You never observed Al Gore on the island of Little St. James.

**Response to Request For Admission No. 13:**

Denied in part. Her memory from 15 or more years ago is that it was on the island where she met Mr. Gore, although she has testified that she could have been incorrect on that location. While traveling with Epstein and Maxwell, she met so many people and was taken to so many places as a minor that perfect recall of exact locations is difficult, but based on her best recollection, denied.

14. Admit that You never had sexual contact with Alan Dershowitz.

**Response to Request For Admission No. 14:**

Denied.

15. Admit that You never had sexual contact with Andrew, Duke of York.

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**Response to Request For Admission No. 15:**

Denied.

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## **REQUESTS FOR PRODUCTION**

1. All Communications and Documents identified in Interrogatories 5-14, above.

### **Response to Request For Production No. 1:**

Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections. Ms. Giuffre objects to this request on the grounds that it is wildly overly broad and unduly burdensome, and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, as described more fully above in response to the interrogatories. For example, Interrogatory Number 5, would cover documents spanning over 100 years collectively from attorneys, and compliance with this production request would be literally impossible due to the untethered scope of the request. Ms. Giuffre objects to this request in that it seeks to invade the privacy rights of a sex abuse victims, and is meant for the improper purpose of harassing and intimidating this victim.

2. All Documents reviewed or relied upon in answering Interrogatory Nos. 5-14 above.

### **Response to Request For Production No. 2:**

Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections. Ms. Giuffre objects to this request in that it is overly broad incorporating the interrogatories that total 59 subparts. Ms. Giuffre objects to this request for the reasons stated above in response to interrogatories, and in that it seeks to invade the privacy rights of a sex abuse victim and is meant for the improper purpose of harassing and intimidating this victim.

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3. All Documents reviewed or relied upon in answering Requests for Admission Nos. 1-15 above.

**Response to Request For Production No. 3:**

Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections. Ms. Giuffre objects to this request in that it is overly broad incorporating the interrogatories that total 59 subparts. Ms. Giuffre objects to this request in that it seeks to invade the privacy rights of a sex abuse victims and is meant for the improper purpose of harassing and intimidating this victim.

Subject to and without waving the above objections, Ms. Giuffre is withholding production of documents that are privileged pursuant to the attorney-client privilege, the work product privilege, and the public interest privilege. Ms. Giuffre is also withholding electronic renditions of photographs that depict the faces of her minor children, including school portraits and other photographs taken that reveal the faces of her minor children.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE007566.

4. All Documents relating to any Communications between or among You or Your attorneys or any agent for You or Your attorneys, and any of the following individuals or with their attorneys, agents or representatives:

- a. Any witness disclosed in Plaintiff's Rule 26(a) disclosures;
- b. Any witness disclosed in Defendant's Rule 26(a) disclosures;
- c. Any witness identified by You in response to Interrogatory No. 8 and No. 14.

**Response to Request For Production No. 4:**



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Ms. Giuffre objection to this request on the grounds that it is overly broad and unduly burdensome in that it is not limited in time, and it seeks documents relating to hundreds of individuals. Ms. Giuffre objects because compliance with this request is unduly burdensome. For example,, this request seeks documents relating to over 100 individuals, and has no date or time limitations or subject matter limitations whatsoever. Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections. Specifically, counsel's communications with witnesses are protected under the work product doctrine. Ms. Giuffre objects to this request in that it is sought solely to harass and intimidate Ms. Giuffre, and invade her privacy, by seeking her private communications with her various family members, including aunts, uncles and parents and siblings. Ms. Giuffre further objects as this request calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

Ms. Giuffre is withholding production of documents that are privileged pursuant to the attorney-client privilege, the work product privilege, and the public interest privilege. Ms. Giuffre is also withholding electronic renditions of photographs that depict the faces of her minor children, including school portraits and other photographs taken that reveal the faces of her minor children.

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Ms. Giuffre additionally objects to the extent that this request seeks the communications of her attorneys, as such request is overly broad and unduly burdensome. This is especially true given that certain attorneys for Ms. Giuffre additionally represent other individuals listed on the Rule 26 Disclosures in separate legal matters, and revelation of such communications would violate privileges that do not belong to Ms. Giuffre, but rather belong to other victims of sexual abuse who have not waived such privileges. Accordingly, Ms. Giuffre is withholding these documents from production based on her objections.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE007566, which includes her communications with many of the individuals set forth in this request. However, producing documents with the additional, newly-added individuals would be overly burdensome, as there is no limitation as to time period, scope or subject-matter.

5. All photographs or video containing any image of You and the following individuals. To the extent You have such photographs and video in their original, native format, please produce them in that format (not a paper copy).

- a. Any of the individuals identified by You in response to Interrogatory No. 8 and No. 14.

**Response to Request For Production No. 5:**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the Defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre.

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Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE007566, and will produce non-privileged documents responsive to this Request and will continue to supplement her production limited to documents that do not depict images of her minor children. Ms. Giuffre does not have "original, native format," as requested so she is producing the paper copies she has in her possession, custody and control.

Furthermore, Ms. Giuffre has now produced the pictures in her possession related to the above-referenced case. Any remaining photographs not produced are solely in the possession of the Defendant and her co-conspirators.

6. All Documents concerning any Communications between you or your attorneys and any witness or any potential witness in *Giuffre v. Maxwell*.

**Response to Request For Production No. 6:**

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it seeks documents relating to hundreds of individuals, and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects because compliance with this request is unduly burdensome. Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege, and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre.

Ms. Giuffre further objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, public interest or any other applicable privilege.

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Ms. Giuffre objects to this request in that it is sought solely to harass and intimidate Ms. Giuffre, and invade her privacy, by seeking her private communications with her various family members, including aunts, uncles and parents and siblings.

Subject to and without waving the above objections, Ms. Giuffre is withholding production of documents that are privileged pursuant to the attorney-client privilege, the work product privilege, and the public interest privilege. Ms. Giuffre is also withholding electronic renditions of photographs that depict the faces of her minor children, including school portraits and other photographs taken that reveal the faces of her minor children.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE007566, and will produce non-privileged documents responsive to this Request limited to documents that do not depict images of her minor children as described *supra* and will continue to supplement this production. Ms. Giuffre will produce Ms. Giuffre's counsel's communications with attorneys for witnesses in this case from the date of filing this litigation to the present that are related to this litigation.

7. All Documents concerning any Communications between You and Your attorneys and Johanna Sjoberg or her lawyer, Marshall Dore Louis.

**Response to Request For Production No. 7:**

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and not waiving the above objections, Ms. Giuffre will produce Ms. Giuffre's counsel's communications with Marshall Dore Louis from the date of filing this litigation to the present.

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8. All Documents concerning any Communications between You and Your attorneys and Allyson Chambers or her lawyer, Marshall Dore Louis.

**Response to Request For Production No. 8:**

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

Ms. Giuffre will produce Ms. Giuffre's counsel's communications with Marshall Dore Louis from the date of filing this litigation to the present relating to the above-captioned case.

9. All Documents concerning any Communications between You or Your attorneys and any witness in the case captioned Jane Doe #1 and Jane Doe #2 v. United States, Case No. 08-ev-80736-KAM, in the U.S. District Court for the Southern District of Florida ("CVRA" case).

**Response to Request For Production No. 9:**

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

With regard to communications by Ms. Giuffre's attorneys, this request seeks clearly privileged materials, because Ms. Giuffre's attorneys represent not only Ms. Giuffre (Jane Doe 3) in the CVRA matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4. Any communications

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between the four Jane Does, via Ms. Giuffre's attorneys, would be plainly be subject to attorney client protection, not to mention work product protection as well.

With regard to contact with "witnesses," the request is vague, unduly burdensome, and overbroad. The CVRA case centers on issues surrounding whether the U.S. Government failed to confer and otherwise protect the rights of victims (including Janes Does 1, 2, 3, and 4) during plea negotiations with Jeffrey Epstein. Accordingly, some of the main "witnesses" in the case are the Government prosecutors who handled the plea negotiations. Several of the same prosecutors who handled the plea negotiations are also involved in defending the CVRA case. The CVRA has been in litigation for nearly eight years, and there have extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims' counsel and provided to Judge Marra for *in camera* review). The request appears designed to target all of these communications, and such communications, going *back eight years*, would necessitate a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutors. The burden would be substantial and the relevance would be essentially non-existent. Whatever communications Ms. Giuffre's attorneys would have had with government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

Moreover, many materials related to this case remain under Judge Marra's protective order. Accordingly, before Ms. Giuffre's counsel could even have the option to release certain materials that the Government has provided to him as an attorney in the case, defendant Maxwell would have to approach Judge Marra and seek a modification of the protective order.

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The request is also vague because it is not clear precisely what "witnesses" Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre's lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of this case. Again, the relevance of such communications seems basically non-existent to the action. But because the case has spanned eight years, collecting such communications would be difficult and overly burdensome. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre's attorneys with collecting such communications when she can collect them in other ways.

10. All Documents concerning any Communications between you or your attorneys and any witness or potential witness in Edwards and Cassell v Dershowitz ("Dershowitz" case).

**Response to Request For Production No. 10:**

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. It is not clear what the phrase "concerning" is designed to cover. As a third-party witness in that action, Ms. Giuffre had numerous communications with, for example, her attorneys in relation to that matter, and therefore, these communications are subject to the attorney client privilege and protected by the work product doctrine. It is unclear what documents "concerning" communications with "witnesses" refers to, and it could expansively cover a vast number of documents, emails, and other communications that have taken place over the course of this litigation.



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With regard to communications by Ms. Giuffre's attorneys, this request seeks clearly privileged materials (or materials covered by the work product doctrine).

With regard to "witnesses" or "potential witnesses," the request is vague, unduly burdensome, and overbroad. The Dershowitz case centers on issues surrounding whether the Ms. Giuffre's lawyers (Edwards and Cassell) had conduct a sufficient investigation before filing a motion to join Jane Doe 3 (and Jane Doe 4) into the CVRA case. That investigation involves not only attorney-client materials, but also work product protections for Jane Doe 1 and Jane Doe 2. This request, then, covers communications going back eight years, and it would involve a review of several hundreds of thousands of emails over that time to identify communications relevant to the potential "witnesses" who might have been able to shed light on the claims in the CVRA case and, in turn, whether sex abuse had been committed by Alan Dershowitz. The burden would be substantial and the relevance would be essentially non-existent. Such a burden is not countenanced by Rule 26 or the prevailing case law. Whatever communications Ms. Giuffre's attorneys may have had as part of their (work product protected) investigation would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

The request is also vague because it is not clear precisely what "witnesses" Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre's lawyers and lawyers for Mr. Epstein and Mr. Dershowitz. Again, the relevance of such communications seems basically non-existent to the action. But because their investigations have spanned eight years, collecting such communications would be difficult. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre's attorneys with

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collecting such communications when she can collect them in other ways. Indeed, in light of the fact that Maxwell and Dershowitz have a close working relationship, it is unduly burdensome that Maxwell seeks these items not from her ally but from attorneys for her legal adversary.

11. Any statement obtained by You or Your attorneys from any witness or potential witness in the CVRA case.

**Response to Request For Production No. 11:**

Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre objects because the term "statement" is vague and ambiguous, unduly burdensome and overbroad. With regard to communications to Ms. Giuffre's attorneys, this request seeks clearly privileged materials, because Ms. Giuffre's attorneys represent not only Ms. Giuffre (Jane Doe 3) in the matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4.

The CVRA case centers on issues surrounding whether the U.S. Government failed to confer and otherwise protect the rights of victims (including Janes Does 1, 2, 3, and 4) during plea negotiations with Jeffrey Epstein.

The CVRA has been in litigation for nearly eight years, and there have extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims' counsels and provided to Judge

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Marra for in camera review). It is not clear whether the request is designed to request all of these communications as "statements," but if it does capture these communications going back eight year, it would involve a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutor. The burden would be substantial and the relevance would be essentially non-existent. Whatever statements Ms. Giuffre's attorneys obtained from government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar. Moreover, many materials remain under Judge Marra's protective order. Accordingly, before Ms. Giuffre's counsel could even have the option to release certain materials that the Government has provided to him as an attorney in the case, defendant Maxwell would have to approach Judge Marra and seek a modification of the protective order.

The request is also vague because it is not clear precisely what "statements" Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre's lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of this case. Again, the relevance of such communications seems basically non-existent to the action. But because the case has spanned eight years, collecting such communications would be difficult. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. There is no reason to burden Ms. Giuffre's attorneys with collecting such statements when she can collect them in other ways.

12. Any statement obtained by You or Your attorneys from any witness or potential witness in the Dershowitz case.

**Response to Request For Production No. 12:**

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Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, particularly as it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and because it would require the review of hundreds of thousands of documents which would take hours upon hours of attorney time. Ms. Giuffre objects in that it seeks information protected by the attorney-client/work product privilege, and any other applicable privilege stated in the General Objections.

Ms. Giuffre objects because the term "statement" is vague and ambiguous, unduly burdensome and overbroad. The Dershowitz case centers on issues surrounding whether the Ms. Giuffre's lawyers (Edwards and Cassell) had conduct a sufficient investigation before filing a motion to join Jane Doe 3 (and Jane Doe 4) into the CVRA case. That investigation involves not only attorney-client materials, but also work product protections for Jane Doe 1 and Jane Doe 2. The request potentially covers communications or "statements" going back eight years, and it would involve a review of several hundreds of thousands of emails over that time to identify "statements" made by any "witness" or "potential witness" who might have been able to shed light on whether sex abuse had been committed by Alan Dershowitz. The burden would be substantial and the relevance would be essentially non-existent. Whatever communications Ms. Giuffre's attorneys may have had as part of their (work product protected) investigation would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

With regard to communications to Ms. Giuffre's attorneys, this request seeks clearly privileged materials, because Ms. Giuffre's attorneys represent not only Ms. Giuffre (Jane Doe 3) in the matter, but also Jane Doe 1, Jane Doe 2, and Jane Doe 4 in the CVRA litigation.

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The CVRA has been in litigation for nearly eight years, and there have extensive communications with the prosecutors (including communications concerning approximately 10,000 pages of documents that were requested by victims' counsels and provided to Judge Marra for in camera review). It is not clear whether the request is designed to request all of these communications as "statements," but if it does capture these communications going back eight year, it would involve a review of several hundreds of thousands of emails over that time to identify communications with the Government prosecutor. The burden would be substantial and the relevance would be essentially non-existent. Whatever statements Ms. Giuffre's attorneys obtained from government prosecutors about CVRA notifications concerning a prosecution of Epstein would not shed light on whether Defendant Maxwell defames Ms. Giuffre in attacking her as, for example, a liar.

The request is also vague because it is not clear precisely what "statements" Defendant Maxwell is concerned about. There have, for example, been communications between Ms. Giuffre's lawyers and lawyers for Mr. Epstein and Mr. Dershowitz connected with procedural and other aspects of these cases. Again, the relevance of such communications seems basically non-existent to the action. Moreover, Defendant Maxwell has a close working relationship and/or joint defense arrangement with both Mr. Epstein and Mr. Dershowitz. In light of the fact that Maxwell and Dershowitz have a close working relationship, it is unduly burdensome that Maxwell seeks these items not from her ally but from attorneys for her legal adversary. There is no reason to burden Ms. Giuffre's attorneys with collecting such statements when she can collect them in other ways.

Dated: July 1, 2016

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Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on July 1, 2016, I electronically sent the foregoing document to the counsel below via e-mail.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VIRGINIA GIUFFRE,

Plaintiff,

-against-

GHISLAINE MAXWELL,

Defendant.

No. 15 Civ. 7433 (RWS)

**MEMORANDUM OF LAW IN SUPPORT OF PROPOSED INTERVENOR ALAN M.  
DERSHOWITZ'S MOTION FOR PERMISSIVE INTERVENTION AND UNSEALING  
OF JUDICIAL DOCUMENTS, OR IN THE ALTERNATIVE MODIFICATION OF  
PROTECTIVE ORDER**

Emery Celli Brinckerhoff & Abady LLP  
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## PRELIMINARY STATEMENT

At nearly 78 years of age, Alan M. Dershowitz, the highly regarded Harvard Law professor, criminal defense lawyer, and author, is entitled to enjoy the reputation for strict personal rectitude that he has earned. Unfortunately, however, over the course of the last year and a half, that reputation has been unfairly sullied, tainted by false and grotesque allegations of pedophilia and rape peddled to the press by Virginia Giuffre, the plaintiff in this lawsuit, and republished all over the world. Professor Dershowitz has done everything in his power to combat this assault on his reputation, from proclaiming his innocence in public, to marshalling every bit of information within his control to demonstrate that the allegations cannot be true, to submitting to a full investigation of the charges by former federal judge and FBI Director Louis Freeh, who exonerated him. And still the stories keep coming.

Now, having been named as a witness in this action by both plaintiff and defendant, Professor Dershowitz has been granted access to certain materials subject to this Court's stipulated Protective Order and filed under seal—and those materials, some of them in Ms. Giuffre's own words, confirm his absolute innocence. They demonstrate that Ms. Giuffre did not accuse Professor Dershowitz of sexual misconduct until years after she first named *other* prominent men who she claimed had abused her; that there was “no proof” that Professor Dershowitz had ever done anything wrong; and that Ms. Giuffre concocted her malicious allegations against Professor Dershowitz, and used his name in her statements and book proposal, not because he abused her—he didn't—but because he is famous and she believed that his name would help sell the book.

In this application, Professor Dershowitz seeks to intervene in this case for the limited purpose of obtaining relief that is modest and narrowly tailored: the unsealing of portions of a brief filed in connection with a motion to quash a subpoena (“Reply Brief”), and certain emails



submitted as part of that same motion (“Emails”), as well as a draft of Ms. Giuffre’s memoir (“Manuscript”) that was filed in connection with a motion to extend the parties’ deadline for deposition discovery. Unsealing of these three documents (the “Requested Documents”) is required because they are all judicial documents to which a presumption of public access applies. In the alternative, if the Court declines to unseal the Requested Documents on the basis that they are judicial documents, Professor Dershowitz seeks modification of the Court’s March 18, 2016 stipulated Protective Order to permit the dissemination of the Requested Documents. The Requested Documents concern allegations by Ms. Giuffre whose substance has already been widely aired in public—including, apparently, on camera to ABC News—and which have been widely circulated for sale to publishers and journalists. Ms. Giuffre’s efforts to gain publicity and a book deal based on public interest in her claims should forfeit any asserted right to maintain the confidentiality of these documents.

Separately and together, the Requested Documents demonstrate that the allegations of sexual misconduct against Professor Dershowitz—which were lodged by Ms. Giuffre in public court filings and repeated worldwide in the press—are nothing more than a recent fabrication, a made up story designed to increase commercial interest in Ms. Giuffre’s book and promote its sale to a publisher and eventually to readers. Accessing these materials without restriction, and making them public, is essential to Professor Dershowitz’s ability to defend himself.

There is no basis for the Requested Documents to remain secret, much less for their secrecy to be maintained by court order. Ms. Giuffre has done everything in her power to publicize her false allegations against Professor Dershowitz: through her lawyers, she publicly filed the accusations in a federal court proceeding; she and her lawyers stood by her claims, in both court filings and public statements to the media, even after her lawyers had issued a public statement acknowledging that filing them had been a “mistake;” she shopped a book manuscript

to agents, publishers, and the press with the goal of maximizing the public attention paid to her slanderous story; and she even sought and obtained a lengthy interview with ABC News with the intent that it be broadcast on national television news programs. Ms. Giuffre and her attorneys cannot credibly argue that documentary evidence undermining the accusations she has spent years working to make public are “secret” and should be kept so under the authority of this Court.

Disclosing the Requested Documents would violate no right of privacy. By publicly leveling false accusations against Professor Dershowitz in graphic detail and seeking to publicize those accusations in the media, Ms. Giuffre has forfeited any claim that her own (defamatory) words are somehow confidential. Indeed, what Ms. Giuffre’s own counsel have referred to as the “strong current media interest in the case”—which Ms. Giuffre has worked to sustain, including by selling her story—bolsters the public’s right to access the Requested Documents. Were Ms. Giuffre to prevail in her efforts to suppress these documents of high public interest, the result would be absurd and unfair: Ms. Giuffre’s false allegations would remain in the public record, while the innocent victim of her slanders would be barred from using her own words to disprove them. No one should be permitted to game the legal system so perversely.

The law recognizes Professor Dershowitz’s right to the Requested Documents under the First Amendment, the common-law right of access to judicial documents, and governing Second Circuit jurisprudence, which forbids sealing and secrecy for their own sake. Here, having waived any privacy interest she may have had by both disseminating the allegations against Professor Dershowitz and by filing this lawsuit against Ghislaine Maxwell, Ms. Giuffre should not be heard to say that her own words, and the words of those with whom she communicated, are somehow “confidential.” They are not. This Court should grant Professor Dershowitz the right to intervene in this action and unseal the Requested Documents.

## FACTUAL AND PROCEDURAL BACKGROUND

### I. MS. GIUFFRE’S ALLEGED RELATIONSHIP WITH JEFFREY EPSTEIN AND BELATED ACCUSATIONS AGAINST PROFESSOR DERSHOWITZ

In 2006, Professor Dershowitz was retained by financier Jeffrey Epstein to join a team of lawyers hired to defend Epstein against accusations that he had solicited sex workers and had inappropriate sexual encounters with underage girls.<sup>1</sup> Declaration of Alan M. Dershowitz (“Dershowitz Decl.”) ¶¶ 6-7. In 2008, Epstein pleaded guilty to certain offenses involving sex with minors. *Id.* ¶ 7. Ms. Giuffre has alleged that she was one of Epstein’s victims, although Epstein was neither charged nor convicted of any conduct toward her. *Id.* ¶ 8. Ms. Giuffre claims that she was held as a “sex slave” and trafficked by Epstein, who she alleges facilitated sexual encounters with a number of men. *Id.*

In the period from 2006 through 2014, Ms. Giuffre submitted to interviews with law enforcement, told her story to the media, drafted a tell-all memoir, and filed a lawsuit alleging that Mr. Epstein had trafficked her to many of his prominent associates. *Id.* ¶¶ 10-14. During this period, Ms. Giuffre never once claimed to have had any sexual contact with Professor Dershowitz, much less that he had sexually abused her. *Id.* Then, in December 2014, Ms. Giuffre—represented by attorneys Bradley Edwards and Paul Cassell—filed a motion to join an action (the “CVRA Action”) that had been initially filed in the United States District Court for the Southern District of Florida in 2008 by another of Mr. Epstein’s alleged victims, who was designated as “Jane Doe.” *Jane Doe #1 v. United States of America*, No. 08 Civ. 80736 (S.D. Fla.) (hereinafter, *Doe v. USA*); Dershowitz Decl. ¶ 16. In late 2014 and early 2015, Ms. Giuffre’s lawyers alleged in public court filings in the CVRA Action that Mr. Dershowitz had had sex with Ms. Giuffre on numerous occasions while she was a minor, including in Florida, on

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<sup>1</sup> Professor Dershowitz had been acquainted with Mr. Epstein through academic events for a number of years prior to his retention as Mr. Epstein’s counsel, but had neither witnessed nor heard about allegations of sexual misconduct by Mr. Epstein before being hired to represent him. Dershowitz Decl. ¶ 6.

Mr. Epstein’s private planes, in the British Virgin Islands, in New Mexico, and in New York. Dershowitz Decl. ¶ 17. Unlike much of the record in the CVRA Action, these allegations were not sealed; instead, they were filed publicly without any evidence to support them and without affording Professor Dershowitz an opportunity to dispute them. *Id.* Although Ms. Giuffre elaborated these false allegations in subsequent filings, eventually, the presiding judge in the CRVA Action struck them as a sanction against the lawyers who had filed them. But the damage to Professor Dershowitz’s reputation had been done—and it would persist. *Id.* ¶¶ 18-19.

In the wake of the grotesque allegation that he is a pedophile and a sex criminal, Professor Dershowitz loudly and publicly defended himself. In January 2015, Ms. Giuffre’s attorneys, Mr. Edwards and Mr. Cassell, sued Professor Dershowitz for defamation, citing comments he made in his own defense. *Id.* ¶ 21. During discovery in that action, Ms. Giuffre never produced the Emails or the Manuscript despite a court order requiring her to provide all statements referencing Professor Dershowitz by name; she also falsely testified under oath in her deposition that she never exchanged emails with Sharon Churcher or other members of the press about Professor Dershowitz. *Id.* ¶¶ 22-23. The defamation action ultimately settled in April 2016, and the parties released a joint statement in which attorneys Cassell and Edwards admitted that it was a mistake to accuse Professor Dershowitz of sexual misconduct in their filings in the CVRA Action and withdrew those allegations. *Id.* ¶ 24 & Ex. H. Also in April 2016, Professor Dershowitz released the results of a thorough investigation led by former FBI Director and federal judge Louis Freeh, which found that “the totality of the evidence” “refutes the allegations made against” Professor Dershowitz by Ms. Giuffre. *Id.* ¶ 25 & Ex. I.

## **II. MS. GIUFFRE AND HER ATTORNEYS’ CONTINUING INSISTENCE ON, AND REPETITION OF, ACCUSATIONS AGAINST PROFESSOR DERSHOWITZ**

Despite the settlement of the defamation case and the resulting joint statement, the court order striking the “lurid” allegations against Professor Dershowitz in the CVRA Action, and the

results of Judge Freeh’s investigation, Ms. Giuffre and her counsel have republished Ms. Giuffre’s allegations against Professor Dershowitz. *Id.* ¶ 26. For example, on April 8, 2016, just after the settlement of the defamation case, Mr. Cassell and Mr. Edwards made a court filing that stated that Ms. Giuffre “reaffirms” her allegations against him, and that their mistake in filing those allegations in the CVRA Action was merely “tactical.” *Id.* ¶ 26 & Ex. J. David Boies, another of Ms. Giuffre’s attorneys in this case, was described as saying that Ms. Giuffre “stands by her allegations” against Professor Dershowitz. *See* Casey Sullivan, *Alan Dershowitz Extends Truce Offer to David Boies Amid Bitter Feud*, BLOOMBERG LAW (Apr. 11, 2016), <https://bol.bna.com/alan-dershowitz-extends-truce-offer-to-david-boies-amid-bitter-feud/>. These statements—which falsely imply that Professor Dershowitz is guilty of sexual misconduct—are highly injurious to his reputation, especially when they come from otherwise-credible lawyers. *Id.* ¶ 26. The claim that Professor Dershowitz engaged in sexual misconduct with Ms. Giuffre has also continued to receive attention in the press. *See id.* ¶ 27 & Ex. K. Professor Dershowitz has learned that Ms. Giuffre sat for an interview with ABC News, presumably as part of her efforts to increase public interest in (and the commercial value of) her “story.” *Id.* ¶ 27. The interview was announced on social media by an organization with which Mr. Edwards is associated and was said to be slated to appear on ABC’s Good Morning America, World News Tonight, and Nightline programs. *Id.* While the ABC News interview apparently has not yet run, there is no assurance that it will not run in the future. *Id.*

### **III. THE EXCULPATORY EMAILS, REPLY BRIEF, AND MANUSCRIPT**

Each of the Requested Documents corroborates Professor Dershowitz’s claims of innocence and undermines both Ms. Giuffre’s credibility generally and the veracity of her accusations against Professor Dershowitz specifically.

First, the Emails, consisting of one exchange dated May 10-11, 2011 and another dated June 8, 2011, discuss, among other topics, Ms. Giuffre's Manuscript, which purports to recount her experiences with Epstein and other prominent people. *Id.* ¶ 34. Within the May 2011 exchange, Ms. Giuffre writes to Ms. Churcher on May 10, 2011:

“Hello gorgeous, I hope this message comes to you on a bright, sunny day!!! I took your advice about what to offer Sandra and she accepted. Were drawing up a contract through her agent right now and getting busy to meet my deadline. Just wondering if you have any information on you from when you and I were doing interviews about the J.E. story. I wanted to put the names of these assholes, oops, I meant to say, pedo's, that J.E. sent me to. With everything going on my brain feels like mush and it would be a great deal of help!...”

Dershowitz Decl., Ex. A at GIUFFRE004096-97. In an e-mail dated May 11, 2011, Ms. Churcher replies to Mrs. Giuffre, urging her to use Professor Dershowitz's name in her book proposal despite the lack of any evidence of his involvement in wrongdoing:

Don't forget Alan Dershowitz...JE's buddy and lawyer..good name for your pitch as he repped Claus von Bulow and a movie was made about that case...title was Reversal of Fortune. We all suspect Alan is a pedo and tho no proof of that, you probably met him when he was hanging put [sic] w JE.”

*Id.* at GIUFFRE004096.<sup>2</sup>

The June 8, 2011 exchange shows Ms. Churcher corresponding with a book agent to promote Ms. Giuffre's book; Ms. Giuffre is copied on the message. Ms. Churcher mentions Professor Dershowitz as one of Epstein's lawyers, together with Kenneth Starr, but not as an abuser:

Hi Jarred

Hopefully you have Virginia's book pitch by now.

She has some amazing names which she can share with you in confidence and I think she also has a human interest story that

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<sup>2</sup> The relevant excerpts of the Requested Documents are reproduced herein without any alterations or corrections to spelling, grammar, or typographical errors.

could appeal to the Oprah/female set as well as the Wall Streeters who follow Epstein — a hedge fund king.

Here are a few of our stories about Virginia, plus some examples of the massive US and other international media pickup. Vanity Fair are doing a piece I believe in their August issue. The FBI have reopened the Epstein case due to Virginia's revelations. I also am attaching a link to a NY Magazine profile of Epstein.....written before his world combusted. The FBI believe he was essentially running a private — and mobile -- brothel for some of the world's richest and most influential men.

He got off the first time round after retaining Kenneth Starr (who witchhunted Bill Clinton) and Alan Dershowitz (von Bulow's appeal lawyer, who inspired the movie Reversal of Fortune). The US Justice Dept is investigating corruption allegations against at least one prosecutor involved in the case.

Best regards,

Sharon

*Id.* at GIUFFRE004028-29.

The Emails were filed under seal in connection with Ms. Churcher's motion to quash her deposition subpoena. Dershowitz Decl. ¶ 38. The Reply Brief, also filed under seal in pertinent part, characterizes these emails from Ms. Churcher's perspective, asserting as follows:

Churcher makes no suggestion that [Ms. Giuffre] had sexual contact with Dershowitz. To the contrary, she states that there was '*no proof*' that he was a 'pedo'—which directly contradicts such a suggestion in itself—but only that [Ms. Giuffre] 'probably met him when he was hanging out with [Jeffrey Epstein]'.

Dershowitz Decl., Ex. M at 8.

Finally, the Manuscript—which was filed in connection with Ms. Maxwell's opposition to Ms. Giuffre's request for an extension of the deposition discovery deadline—further corroborates that Ms. Giuffre's allegations against Professor Dershowitz are a recent fabrication. The draft mentions Professor Dershowitz only once, claiming, falsely, that he once walked into a room while Ms. Giuffre was in bed after a sexual encounter with Jeffrey Epstein:



Jeffrey's business was running well from the looks of his attentiveness the office he owned in the Upper East Side of Manhattan. Alan Dershowitz, his colleague in finances and personal solicitor, a bird of the same feather, I had seen hanging around the island and Jeffrey's Manhattan mansion, more and more these days. Alan's taste for the young and beautiful was a bias for a blooming business relationship between him and Jeffrey. After an explicit session of Jeffrey's vulgar pilgrimage into my body, we were interrupted by a knock at the door by Jeffrey's good friend, Alan. I wrapped myself up in Jeffrey's pink bed sheets, which is the color preference he chose to sleep in because it reminded him of the same color of his own words "Pussy", and covered my face from the unexpected intrusion. Jeffrey got up and wrapped a towel around his loins and answered the door completely calm. Opening the bedroom door and letting Alan inside they began to converse about business immediately, right in front of me. Jeffrey started to tell Alan what needed to be done while he jostled some notes down quickly. I peeked my head from underneath the covers thinking they were too wrapped up in their work to notice me get up and dressed, and Jeffrey turned back to me and told me to just stay there this would only take a second. Going back to Alan he turned his focus back into work and hustled out a few more orders before letting Alan out of the door and returning his attention to me.

Dershowitz Decl., Ex. B at 112. Putting aside that this account is a complete fabrication—Professor Dershowitz had no business dealings with Mr. Epstein and was not his lawyer at the time in question—the Manuscript contains no mention anywhere of any sexual contact between Professor Dershowitz and Ms. Giuffre, or between Professor Dershowitz and any other person. Indeed, though the Manuscript describes sexual encounters Ms. Giuffre allegedly had with a *different* member of the Harvard faculty—whom she identifies by name and physical characteristics—it levels *no* such accusation against Professor Dershowitz. Dershowitz Decl. ¶ 37.

The Requested Documents, taken together with other evidence currently in the public record, prove the following:

- Before her email correspondence with Sharon Churcher in 2011, Ms. Giuffre did not in any way accuse Professor Dershowitz of sexual abuse,

even though she had accused other prominent people of abusing her and had plenty of opportunity to do so.

- In an exchange of emails in 2011, Ms. Churcher, who was advising Ms. Giuffre about how to maximize her payments for selling her story, first raised the idea of mentioning Professor Dershowitz in connection with the alleged abuse, despite the fact that there was “no proof” that he was involved.
- After receiving this email, Ms. Giuffre did in fact put Mr. Dershowitz in her book draft, but she conspicuously did *not* accuse him of sexual abuse or even any sexual contact, even though she explicitly named others who she claimed had abused her.
- In a subsequent email exchange between Ms. Churcher, Ms. Giuffre, and Mr. Weisfeld, Ms. Churcher described several categories of prominent individuals with whom Ms. Giuffre claimed to have had sexual encounters. Professor Dershowitz’s name, along with that of Kenneth Starr, is mentioned in the email, but *only* as one of the lawyers who negotiated Mr. Epstein’s plea agreement, not as one of the “amazing names” of those who allegedly abused Ms. Giuffre.
- Ms. Giuffre lied during her deposition in the defamation case brought by her lawyers against Professor Dershowitz, testifying that there were no emails between herself and Ms. Churcher that mentioned Professor Dershowitz by name. Her lawyers did not correct this testimony.
- In her Reply Brief, Ms. Churcher has confirmed that Professor Dershowitz was not among the prominent individuals that Ms. Giuffre was accusing of sexual misconduct. The Reply Brief affirmatively argues that Ms. Churcher was “not suggesting” that Professor Dershowitz had sex with Ms. Giuffre, but merely mentioned him to remind Ms. Giuffre that Epstein and Professor Dershowitz knew each other.

*Id.* ¶ 43.

The Requested Documents strongly corroborate Professor Dershowitz’s denials of Ms. Giuffre’s malicious and false allegations against him, and undermine her credibility by showing that she has lied under oath about him before. *Id.* ¶ 44. Because Ms. Giuffre and her lawyers continue to publicly stand by Ms. Giuffre’s accusations against Professor Dershowitz, he has a compelling need to use the Requested Documents in defending his reputation. *Id.* ¶ 47.

#### **IV. THE REVELATION OF THE EXCULPATORY DOCUMENTS TO PROFESSOR DERSHOWITZ**

In or about May 2016, Professor Dershowitz was named as a witness in this case by both plaintiff and defendant. *Id.* ¶ 29. Thereafter, he was contacted by defense counsel Ms. Laura Menninger, in anticipation of his possible future testimony. *Id.* ¶ 30. After Professor Dershowitz agreed to abide by the terms of the stipulated Protective Order in this case (the “Protective Order”), Ms. Menninger sent Professor Dershowitz the Requested Documents to review pursuant to a provision permitting documents produced confidentially in discovery to be shown to potential witnesses. *See id.* ¶¶ 30, 32; Ex. L. Professor Dershowitz was previously unaware that the Requested Documents existed. *Id.* ¶¶ 40-41.

### **ARGUMENT**

#### **I. PROFESSOR DERSHOWITZ SHOULD BE PERMITTED TO INTERVENE UNDER FEDERAL RULE OF CIVIL PROCEDURE 24(B)**

“On timely motion, the court may permit anyone to intervene,” Fed. R. Civ. P. 24(b)(1), provided the proposed intervenor “has a claim or defense that shares with the main action a common question of law or fact,” *id.* R. 24(b)(1)(B). The decision to permit intervention under Rule 24(b) is discretionary, *U.S.P.S. v. Brennan*, 579 F.2d 188, 191 (2d Cir. 1978), though the Court “must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties’ rights,” Fed. R. Civ. P. 24(b)(3). “Additional relevant factors include the nature and extent of the intervenors’ interests, the degree to which those interests are adequately represented by other parties, and whether parties seeking intervention will significantly contribute to the full development of the underlying factual issues in the suit and to the just and equitable adjudication of the legal questions presented.” *Diversified Grp., Inc. v. Daugerdas*, 217 F.R.D. 152, 157 (S.D.N.Y. 2003) (internal quotation marks and alteration omitted).

“It is well-settled that intervention pursuant to Rule 24(b) is the proper procedure for a third party to seek to modify a protective order in a private suit.” *Id.* (collecting authorities).

Likewise, permissive intervention “has generally been found to be most appropriate for a non-party to intervene in order to assert the right to public access” for judicial documents. *United States v. Erie Cnty.*, No. 09 Civ. 849, 2013 WL 4679070, at \*5 (W.D.N.Y. Aug. 30, 2103) (collecting authorities), *rev’d on other grounds*, 763 F.3d 235 (2d Cir. 2014). Here, all relevant considerations support granting Professor Dershowitz’s motion for permissive intervention.

**A. There Is Significant Overlap Between the Subject Matter of the Original Action and This Motion**

Many courts have held that a non-party’s assertion of a right to access sealed or confidential litigation materials itself presents a question of law common among the parties and the proposed intervenor, satisfying the prerequisites for permissive intervention. “[W]hen a district court enters a closure order, the public’s interest in open access is at issue and that interest serves as the necessary legal predicate for intervention.” *Jessup v. Luther*, 227 F.3d 993, 998 (7th Cir. 2000). “Because an intervenor asserting the right of public access is not becoming a party to the underlying merits of a case, further specificity is not required.” *Erie Cnty.*, 2013 WL 4679070, at \*5. Even if a more particularized showing of factual or legal commonality were needed, Professor Dershowitz could easily make it. This lawsuit concerns the veracity of Ms. Giuffre’s allegations of sexual abuse—allegations of which Professor Dershowitz has been a repeated target. The Requested Documents are relevant to the credibility both of Ms. Giuffre’s claims generally and of her allegations against Professor Dershowitz specifically. Both parties have listed Professor Dershowitz as a key witness in this case, Dershowitz Decl. ¶ 29, and he is likely to provide testimony as the litigation proceeds.

**B. There Is No Risk of Undue Delay or Prejudice**

Professor Dershowitz’s motion seeks extremely narrow and tailored relief: the unsealing of a small number of already-filed documents or the modification of a blanket Protective Order as to one discovery document. Dershowitz Decl. ¶ 3. In the context of this complex case, where

a number of discovery disputes and other applications have been submitted to the Court in just the last few weeks, this modest request is unlikely to appreciably affect the schedule of the litigation or to delay its ultimate disposition. *See Schiller v. City of N.Y.*, No. 04 Civ. 7922, 2006 WL 2788256, at \*3 (S.D.N.Y. Sept. 27, 2006) (noting that intervention “for the limited purpose of challenging strictures on the dissemination of information should not impede the progress of the litigation”).

**C. Professor Dershowitz Has a Compelling Interest in Access That Is Not Represented by Any Existing Party**

As the Supreme Court has recognized, the public’s right to access judicial proceedings and documents extends well beyond those with direct interests in the subject matter of the litigation at issue: “American decisions generally do not condition enforcement of this right on a proprietary interest in the document or upon a need for it as evidence in a lawsuit.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978) (noting that “the citizen’s desire to keep a watchful eye on the workings of public agencies” is a sufficient basis to compel access). Even if a more concrete stake were needed, Professor Dershowitz has a compelling interest in obtaining and disclosing the Requested Documents, which corroborate his denials of Ms. Giuffre’s heinous allegations against him and undermine her credibility. He also plans to rely on them to defend against a request for sanctions against him that is pending on appeal in a Florida court. Dershowitz Decl. ¶ 46. Although Professor Dershowitz has valiantly fought to clear his name—by, among other efforts, marshaling incontrovertible proof of his innocence, asserting defamation claims in court, and commissioning a thorough investigation led by a respected former federal judge that exonerated him—he has found himself unable to stem the tide of media reports and public statements by Ms. Giuffre and her lawyers labeling him a pedophile and sexual abuser. Professor Dershowitz seeks to intervene here to assert his First Amendment and

federal common-law rights to access information he needs to defend his hard-earned reputation. That interest is more than a sufficient basis to permit intervention under Rule 24(b).

## **II. THE FIRST AMENDMENT AND THE COMMON LAW REQUIRE PUBLIC ACCESS TO THE REQUESTED DOCUMENTS**

### **A. Legal Standard**

“Federal courts employ two related but distinct presumptions in favor of public access to court proceedings and records: a strong form rooted in the First Amendment and a slightly weaker form based in federal common law.” *Newsday LLC v. Cnty. of Nassau*, 730 F.3d 156, 163 (2d Cir. 2013). “Underlying that First Amendment right of access is the common understanding that a major purpose of that Amendment was to protect the free discussion of governmental affairs.” *Westmoreland v. CBS, Inc.*, 752 F.2d 16, 22 (2d Cir. 1984) (quoting *Mills v. Alabama*, 384 U.S. 214, 218 (1966)). Similarly, the common law right of access, which “is said to predate the Constitution,” *United States v. Amodeo (Amodeo I)*, 44 F.3d 141, 145 (2d Cir. 1995), rests on “the need for federal courts, although independent—indeed, particularly because they are independent—to have a measure of accountability and for the public to have confidence in the administration of justice,” *United States v. Amodeo (Amodeo II)*, 71 F.3d 1044, 1048 (2d Cir. 1995).

Both the First Amendment and common law rights of access create a presumption against secrecy for “judicial documents.” See *Newsday*, 730 F.3d at 164 (First Amendment); *Amodeo I*, 44 F.3d at 145-46 (common law). The Second Circuit has explained that “the item filed must be relevant to the performance of the judicial function and useful in the judicial process in order for it to be designated a judicial document.” *Amodeo I*, 44 F.3d at 145. Once an item’s status as a “judicial document” has been established, the common law and the First Amendment demand distinct analyses to determine whether the presumption of access is overcome.

## 1. The Common Law Test

In determining the applicability of the common-law right of access to a given document, courts are charged with determining the *weight* of the presumption of access under the particular circumstances presented. The presumption applies to *all* judicial documents, but the strength of the presumption varies according to the importance of a given document in the judicial process. The weight afforded to the presumption of access is “governed by the role of the material at issue in the exercise of Article III judicial power and the resultant value of such information to those monitoring the federal courts.” *Lugosch v. Pyramid Co. of Onodaga*, 435 F.3d 110, 119 (2d Cir. 2006). The Second Circuit has explained that “documents that directly affect an adjudication and play a significant role in determining litigants’ substantive rights receive the benefit of a relatively strong presumption, while the public interest in other documents is not as pressing.” *United States v. Graham*, 257 F.3d 143, 153 (2d Cir. 2001) (internal quotation marks and citations omitted). “Finally, after determining the weight of the presumption of access, the court must balance competing considerations against it.” *Lugosch*, 435 F.3d at 120 (internal quotation marks omitted). “Such countervailing factors include but are not limited to the danger of impairing law enforcement or judicial efficiency and the privacy interests of those resisting disclosure.” *Id.* (internal quotation marks omitted).

## 2. The First Amendment Test

Even where the common law right of access is found to be inapplicable, the First Amendment may still require disclosure of judicial documents. The First Amendment right of access is “stronger than its common law ancestor and counterpart.” *United States v. Erie Cnty.*, 763 F.3d 235, 239 (2d Cir. 2014). In deciding First Amendment access claims, the Second Circuit considers “(a) whether the documents have historically been open to the press and general public (experience) and (b) whether public access plays a significant positive role in the



functioning of the particular process in question (logic).” *Id.* (internal quotation marks omitted). “Once a First Amendment right of access to judicial documents is found, the documents may be sealed only if specific, on the record findings are made demonstrating that closure is essential to preserve higher values and is narrowly tailored to serve that interest.” *Id.* (internal quotation marks and alteration omitted).

### **B. The Requested Documents Are Judicial Documents**

For a document to appropriately be deemed a “judicial document,” “[i]t is sufficient that the document was submitted to the Court for purposes of seeking or opposing an adjudication.” *United States v. Sattar*, 471 F. Supp. 2d 380, 385 (S.D.N.Y. 2006). Here, the Emails and the Reply Brief have been submitted to the Court in connection with Ms. Churcher’s efforts to quash her deposition subpoena and Defendant’s opposition to those efforts, while the Manuscript was submitted to the Court in connection with a motion to extend the deposition discovery deadline. Accordingly, all qualify as “judicial documents.”

Courts in this district<sup>3</sup> have repeatedly held that documents submitted in support of or opposition to a discovery motion are judicial documents. *See, e.g., Alexander Interactive, Inc. v. Adorama, Inc.*, No. 12 Civ. 6608, 2014 WL 4346174, at \*2 (S.D.N.Y. Sept. 2, 2014) (“Here, the documents to be submitted are in support of a motion to compel discovery and presumably will be necessary to or helpful in resolving that motion. They are, therefore, judicial documents.”); *Dandong v. Pinnacle Performance Ltd.*, No. 10 Civ. 8086, 2012 WL 6217646, at \*2 (S.D.N.Y. Dec. 3, 2012) (applying presumption of public access to papers filed in connection with a motion for reconsideration of a discovery order); *Gucci Am., Inc. v. Guess?, Inc.*, No. 09 Civ. 4373, 2010 WL 1416896, at \*2 (S.D.N.Y. Apr. 8, 2010) (holding that “declarations and a

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<sup>3</sup> Some federal Courts of Appeals have suggested that the presumption of access does not apply to documents filed in connection with discovery motions. *See, e.g., Chi. Tribune Co. v. Bridgestone/Firestone, Inc.*, 263 F.3d 1304, 1312-13 (11th Cir. 2001); *Leucadia, Inc. v. Applied Extrusion Techs., Inc.*, 998 F.2d 157, 165 (3d Cir. 1993); *Anderson v. Cryovac, Inc.*, 805 F.2d 1, 11 (1st Cir. 1986). But the Second Circuit has never adopted such a rule, and the weight of district court authority in the Southern District of New York rejects this approach.

memorandum of law” seeking to limit discovery “clearly constitute ‘judicial documents’”); *In re Omnicom Grp., Inc. Secs. Litig.*, No. 02 Civ. 4483, 2006 WL 3016311, at \*2 (S.D.N.Y. Oct. 23, 2006) (holding that letter briefs and attached exhibits submitted to the court in connection with a privilege dispute were “submitted in this case to request the court to exercise its adjudicative powers in favor of the parties’ respective views of a discovery dispute” and therefore were judicial documents); *Schiller*, 2006 WL 2788256, at \*5 (holding that briefs and supporting papers submitted in connection with a dispute over the confidentiality of discovery materials were “created by or at the behest of counsel and presented to a court in order to sway a judicial decision” and were therefore “judicial documents that trigger the presumption of public access”); *S.E.C. v. Oakford Corp.*, No. 00 Civ. 2426, 2001 WL 266996, at \*1 (S.D.N.Y. Mar. 16, 2001) (applying presumption of access to judicial documents to motion papers filed in connection with a discovery dispute); *see also In re Gushlak*, No. 11-MC-0218, 2012 WL 3683514, at \*3 (E.D.N.Y. July 27, 2012) (holding that documents filed in support of and opposition to a motion for discovery assistance, including motions to quash, were judicial documents). The Requested Documents were submitted to the Court to influence its adjudication of the motion to quash and the motion to extend the deposition deadline, and they are therefore judicial documents.

### **C. The Common Law Right of Access Applies to the Requested Documents**

#### **1. The Weight of the Presumption of Access Is Strong**

Treating materials submitted in connection with a discovery motion as judicial documents that the public may presumptively access gives effect to the purposes of the common law right, which is to facilitate public monitoring of the exercise of judicial power. “Monitoring both provides judges with critical views of their work and deters arbitrary judicial behavior.”

*Amodeo II*, 71 F.3d at 1048.

The motion in connection with which the Emails and the Reply Brief were submitted concerns whether the Court should overrule a claim of privilege and compel testimony on pain of contempt. *See* Fed. R. Civ. P. 45(g) (providing that the court “may hold in contempt a person who, having been served, fails without adequate excuse to obey [a] subpoena or an order related to it”). Compelling testimony is a quintessential exercise of coercive judicial power that the public is entitled to monitor. *See United States v. Bryan*, 339 U.S. 323, 331-32 (1950) (elaborating the importance of balancing “the great power of testimonial compulsion” against exemptions “grounded in a substantial individual interest which has been found, through centuries of experience, to outweigh the public interest in the search for truth”). Just as disclosure of pretrial suppression proceedings in criminal cases “enhances the basic fairness of the judicial process and the appearance of fairness that is essential to public confidence in the system,” *In re N.Y. Times Co.*, 828 F.2d 110, 114 (2d Cir. 1987), affording access to proceedings concerning the permissibility of civil discovery provides an important check on the exercise of Article III power.

Likewise, the Court should afford a strong presumption of access to the Manuscript, which was submitted as part of Defendant’s opposition to a request to extend a discovery deadline. The Second Circuit has recognized that a district court’s decisions concerning the scope and timing of discovery may “affect a party’s substantial rights.” *Long Island Lighting Co. v. Barbash*, 779 F.2d 793, 795 (2d Cir. 1985). As one court has aptly explained:

The discovery process is clearly an important element of civil litigation. The manner in which it proceeds may prove decisive to the outcome of particular disputes, and the availability of mandatory discovery has greatly affected the way in which our courts do justice. Moreover, discovery procedures have become a continuing focus of controversy and reform within the judiciary and the legal community. This debate has arisen precisely because discovery is so important in trial practice. If we take as our standard that the public’s right of access attaches to decisions ‘of

major importance to the administration of justice, then discovery motions and hearings fall within the ambit of this right.

*Mokhiber v. Davis*, 537 A.2d 1100, 1112 (D.C. Ct. App. 1988) (internal quotation marks and citations omitted). Courts in this district have repeatedly recognized that filings submitted in connection with a motion to alter the pace or schedule of litigation are subject to public access. *See, e.g., Lenart v. Coach Inc.*, 131 F. Supp. 3d 61, 72 (S.D.N.Y. 2015) (applying presumption of public access to “papers filed in connection with [a] motion to stay”); *Skyline Steel, LLC v. PilePro, LLC*, No. 13 Civ. 8171, 2015 WL 556545, at \*4 (S.D.N.Y. Feb. 9, 2015) (same).

“While adjudication of the ultimate merits of the case arguably triggers the highest degree of protection against sealing, this does not imply that motion papers addressed to a discovery dispute do not trigger the public-access presumption.” *In re Omnicom Grp.*, 2006 WL 3016311, at \*4. Because the Requested Documents were submitted by the parties in connection with discovery motions to be adjudicated by the Court, “those documents are entitled to the strongest presumption of public access.” *In re Gushlak*, 2012 WL 3683514, at \*4.

## **2. There Are No Countervailing Interests That Outweigh the Right of Access**

The limited unsealing Professor Dershowitz seeks threatens none of the harms courts have recognized as sufficient to outweigh the right of access to judicial documents. As an initial matter, Professor Dershowitz seeks to reveal unflattering (and false) statements *about himself*. Thus, the general rule “that the common law right of access is qualified by recognition of the privacy rights of the persons whose intimate relations may thereby be disclosed,” *In re Newsday, Inc.*, 895 F.2d 74, 79 (2d Cir. 1990), has no application. Nor does Ms. Giuffre possess any claim to privacy concerning the information Professor Dershowitz seeks to unseal. The Requested Documents discuss her allegations against a number of public figures, and relate to the preparation of a book manuscript with the goal of international publication and distribution.

Nothing could be less private. Indeed, both Ms. Giuffre’s relationship with Ms. Churcher and the nature of her allegations against Professor Dershowitz have been the subject of publicly available court filings in this and other actions and of numerous media stories. Dershowitz Decl. ¶¶ 15-20, 26-27; Ex. K. Any claim to confidentiality has been waived. *See infra* Part III.

In short, the Requested Documents contain none of the kinds of information that give courts pause in granting public access to judicial documents. “The information at issue . . . does not involve the type of medical, health-related, family, or personal financial matter to which courts grant the greatest protection.” *United States v. Martoma*, No. S1 12 Cr. 973, 2014 WL 164181, at \*6 (S.D.N.Y. Jan. 9, 2014). It involves only contemporaneous evidence of a scheme to cook up false and defamatory allegations against Professor Dershowitz. He is entitled to access and use that evidence to defend himself.

#### **D. The First Amendment Guarantees Access to the Requested Documents**

Even if the common law did not compel the conclusion that the Requested Documents must be made public, the First Amendment would supply an alternative basis for their disclosure. The First Amendment presumption of access to judicial documents applies when “experience and logic” indicate that “the documents have historically been open to the press and general public,” and that “public access plays a significant positive role in the functioning of the particular process in question.” *Lugosch*, 435 F.3d at 120 (internal quotation marks omitted).

With respect to the experience prong, the Second Circuit has held that “the notion of public access to judicial documents is a capacious one: the courts of this country have long recognized a general right to inspect and copy public records and documents, including judicial records and documents,” in order to facilitate public monitoring. *Erie Cnty.*, 763 F.3d at 241 (internal quotation marks omitted). Discovery motions and the documents supporting them are routinely filed in courts across the country without sealing and with the understanding that such

documents are publicly accessible. And while the relatively recent history of modern civil discovery practice means there is no ancient common-law analogue to the contemporary discovery motion, “[t]his absence, of course, is not surprising, for compelled discovery is a child of the first Federal Rules of Civil Procedure adopted in 1938.” *Mokhiber*, 537 A.2d at 1111. “It would make little sense to shut off access for what is, practically speaking, a new kind of judicial process just because that particular procedure did not exist at common law. Instead, the public should enjoy the right to view new kinds of proceedings when they are like traditional ones in this significant respect: that access will serve the same values and policies which underlie” the public right of access. *Id.* at 1112.

As to the logic prong of the Second Circuit’s test, it is clear that public monitoring has an important role to play here. Ms. Giuffre’s allegations against Professor Dershowitz have been the subject of significant public interest and have been discussed at length in an array of international news stories. Indeed, in the CVRA Action, Ms. Giuffre’s own counsel cited “strong current media interest in the case” to *oppose* sealing the pleadings, pointing to Ms. Churcher’s stories among others as examples. *Doe v. United States*, No. 08 Civ. 80736 (S.D. Fla.), ECF No. 51, at 7. “The issues involved are manifestly ones of public concern and therefore ones which the public has an interest in overseeing.” *Erie Cnty.*, 763 F.3d at 242.

Because experience and logic dictate that the First Amendment right of access applies to the Requested Documents, their continued sealing would only be permissible on the basis of “specific, on-the-record findings that higher values necessitate a narrowly tailored sealing.” *Lugosch*, 435 F.3d at 126. Here, no such findings have ever been made; indeed, the Court has granted boilerplate sealing applications with no findings or judicial scrutiny whatsoever. *See, e.g.*, ECF No. 254. There would be no basis to find that continuing secrecy is warranted, let alone “essential to preserve higher values.”

### III. **ALTERNATIVELY, THE PROTECTIVE ORDER SHOULD BE MODIFIED TO PERMIT DISCLOSURE OF THE REQUESTED DOCUMENTS**

Even where discovery materials are found not to be judicial documents, that does not automatically entitle them to confidential treatment. *See Vazquez v. City of N.Y.*, No. 10 Civ. 6277, 2014 WL 11510954, at \*1 (S.D.N.Y. May 2, 2014). Here, although Professor Dershowitz is in rightful possession of the Requested Documents, he is prohibited from disseminating them by the parties' stipulated, blanket Protective Order. *See Dershowitz Decl. Ex. L.* That order permits the parties to designate documents as confidential without particularized judicial scrutiny, which is how the Requested Documents became subject to a protective order in the first instance. Because there is no basis for judicial protection of the Requested Documents, the Protective Order should be modified to permit its disclosure.

Federal Rule of Civil Procedure 26(c) permits issuance of a protective order only upon "good cause shown," and requires that such orders issue only "to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." "[I]f good cause is not shown, the discovery materials in question should not receive judicial protection and therefore would be open to the public for inspection." *Gambale v. Deutsche Bank AG*, 377 F.3d 133, 142 (2d Cir. 2004) (internal quotation marks omitted). A protective order requires "particular and specific demonstration of fact as distinguished from stereotyped and conclusory statements" showing the harm that would result from disclosure. *Louissier v. Universal Music Grp., Inc.*, 214 F.R.D. 174, 177 (S.D.N.Y. 2003).

The Second Circuit's general rule that a protective order should not be modified "absent a showing of improvidence in the grant of the order or some extraordinary circumstance or compelling need," *S.E.C. v. TheStreet.com*, 273 F.3d 222, 229 (2d Cir. 2001), applies only when the parties have *reasonably* relied on the protective order in producing discovery. That is not the case here, where the protective order is a sweeping and generic stipulation permitting the parties,



and not the Court, to set the standards for access. “A blanket protective order is more likely to be subject to modification than a more specific, targeted order because it is more difficult to show a party reasonably relied on a blanket order in producing documents or submitting to a deposition.” *In re EPDM Antitrust Litig.*, 255 F.R.D. 308, 319 (D. Conn. 2009).

“*Stipulated* blanket orders are even less resistant to a reasonable request for modification.” *Id.*

“An examination of Second Circuit case law reveals the following factors are relevant when determining whether a party has reasonably relied on the protective order[:] (1) the scope of the protective order; (2) the language of the order itself; (3) the level of inquiry the court undertook before granting the order; and (4) the nature of reliance on the order.” *In re September 11 Litig.*, 262 F.R.D. 274, 277 (S.D.N.Y. 2009) (internal quotation marks omitted). Here, all four factors weigh against a finding of reasonable reliance. First, the Protective Order contains “expansive language granting the parties broad latitude to self-designate materials” as confidential, making it unreasonable for any party to rely on the prospect of indefinite and ironclad confidentiality protections in producing discovery. *See EPDM*, 255 F.R.D. at 320. Second, the Protective Order allows challenges to confidentiality designations, *see* Dershowitz Decl., Ex. L ¶ 11, and permits the Court to modify the order “at any time” for good cause, *id.* ¶ 14. “Given this provision, it is difficult to see how the [parties] can reasonably argue that they produced documents in reliance on the fact that the documents would always be kept secret.” *Lugosch*, 435 F.3d at 126.

Third, “[t]he level of inquiry undertaken before the Order was entered also weighs in favor of modification because the Court ‘so ordered’ the parties’ stipulation without having cause to determine whether all the documents covered actually warranted protection.” *Tradewinds Airlines, Inc. v. Soros*, No. 08 Civ. 5901, 2016 WL 3951181, at \*2 (S.D.N.Y. July 20, 2016). While this practice can be salutary to the extent it preserves judicial resources and

promotes efficiency in complex civil discovery, it strongly weakens the parties' claim to a reasonable expectation that every document marked confidential will remain subject to a Rule 26(c) order indefinitely. *See EPDM*, 255 F.R.D. at 319. "Finally, the nature of the reliance on the Order weighs in favor of modification because there is no indication that the [parties] relied on the Order to produce documents they would not have otherwise disclosed." *Tradewinds Airlines*, 2016 WL 3951181, at \*2. Indeed, Ms. Giuffre could not reasonably have believed that she could avoid disclosing her own descriptions of, and communications about, the very subject matter of this lawsuit, which *she commenced*. *See Lugosch*, 435 F.3d at 125.

Even if the parties' reliance on the Protective Order could be deemed reasonable, which it cannot, Professor Dershowitz would handily satisfy *TheStreet.com*'s requirement of a compelling need or extraordinary circumstance. First, as one Court in this district explained recently, "courts within this circuit have found there to be a 'compelling need' or 'extraordinary circumstance' warranting modification where a blanket protective order is entered without a showing of good cause." *Tradewinds Airlines*, 2016 WL 3951181, at \*2 (collecting authorities). More importantly, under the circumstances, Professor Dershowitz's need for the Requested Documents is undeniable. They strongly corroborate his denials of the sexual abuse allegations Ms. Giuffre belatedly levied against him, which were themselves first presented in documents filed publicly on a federal court docket. Dershowitz Decl. ¶ 43. Professor Dershowitz has a compelling need to use all available evidence to defend himself against Ms. Giuffre's allegations, which have persisted despite a thorough investigation exonerating him and continue to be republished in the media. Dershowitz Decl. ¶¶ 16, 18, 45. Professor Dershowitz will also use the Requested Documents to defend against a sanctions motion that is pending in a state court in Florida, providing an independent basis to modify the Protective Order. *See id.* ¶ 46.

In contrast, there is no basis for a finding of good cause to protect the content of the Requested Documents, all of which concern Ms. Giuffre's own allegations. She cannot credibly claim that disclosure will cause her "annoyance, embarrassment, oppression, or undue burden or expense," *see* Fed. R. Civ. P. 26(c). Indeed, Ms. Giuffre has waived any claimed to confidentiality. She has publicly filed her accusations of sexual misconduct against an array of individuals, including Professor Dershowitz, in at least two lawsuits besides this one. Dershowitz Decl. ¶¶ 10-12, 15-20. She has sold her story to the media and sat for extensive interviews with Ms. Churcher and other reporters about the very same allegations that are the subject of the Requested Documents. *Id.* ¶¶ 13, 26-27. She even "agreed to waive her anonymity" in order to disseminate her story publicly. Sharon Churcher, *Exclusive: Girl at Center of Underage Sex Procurement Case That Scandalised America Describes How She Was Introduced to the Prince*, MAIL ON SUNDAY, Feb. 27, 2011. More recently, Ms. Giuffre sat for an interview with ABC News, hoping to increase public interest in her allegations. Dershowitz Decl. ¶ 27. Although the interview has not yet aired, it could be broadcast at any time, likely repeating once again the same allegations for which Ms. Giuffre has claimed confidentiality in the context of litigation discovery. *See id.* And her lawyers have continued to give interviews insinuating Professor Dershowitz's guilt even after reaching a settlement with him and agreeing to release a public statement withdrawing their own public filing of the accusations against him. *See* Dershowitz Decl., Ex. H.

In short, disseminating the information contained in the Requested Documents, which she has designated "confidential" in the context of this lawsuit, has been Ms. Giuffre's life's work for years. Having made every effort to publicize these allegations for personal and commercial gain, Ms. Giuffre should not be permitted now to make an abrupt about-face and claim that they are entitled to this Court's protection from public dissemination.

### CONCLUSION

For the foregoing reasons, Professor Dershowitz respectfully requests that the Court grant his motion for permissive intervention and unseal the Requested Documents, or in the alternative modify the Protective Order to permit their dissemination.

Dated: August 11, 2016  
New York, New York

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United States District Court  
Southern District of New York

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

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**PLAINTIFF'S REPLY IN SUPPORT OF MOTION TO ENFORCE THE COURT'S  
ORDER AND DIRECT DEFENDANT TO ANSWER DEPOSITION QUESTIONS**

Plaintiff, Virginia Giuffre, by and through her undersigned counsel, files this Reply in Support of her Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions. Defendant argued that Mr. Boies' questions were outside this Court's Order. That is simply untrue. Defendant refused to answer questions that go to heart of the type of questions this Court specifically ordered Defendant to answer: they could not be more on-point.

None of Defendant's arguments change the language of this Court's Order. None of Defendant's arguments change the questions Defendant refused to answer. Accordingly, Ms. Giuffre's motion should be granted.

**I. PRELIMINARY STATEMENT**

Defendant begins her brief with snippets of her self-serving testimony. As the Court is aware, all of this testimony is directly contradicted by the myriad of other witnesses in this case who have testified at deposition, including Defendant's own witness, Tony Figueroa. Defendant has claimed in her deposition that she did not procure girls for sex with Epstein nor notice the

hundreds of young girls who came and went from the home she shared with Epstein. Her testimony is directly refuted by multiple witnesses.

**Tony Figueroa**, Defendant's own witness, testified that Defendant called him directly, asking him to bring girls over, that he did bring girls under the age of 18 over, and that he knew about Defendant's threesomes with Ms. Giuffre and Epstein.<sup>1</sup>

**Johanna Sjoberg** testified that Defendant recruited her for sex with Epstein under the guise of answering phones. That phone job lasted one day, because her second day Defendant asked her to start giving massages, and it soon made it clear that Sjoberg's purpose was to bring Epstein to orgasm so Defendant didn't have to all of the time.<sup>2</sup>

Chillingly, **Rinaldo Rizzo**, Defendant's friend's house manager, through tears, described how Defendant tried to force a 15 year old Swedish girl to have sex with Epstein through threats and stealing her passport.<sup>3</sup>

**Juan Alessi**, Epstein's house manager, testified that Defendant was one of the people who procured the over 100 girls he witnessed visit Epstein, and that he had to clean Defendant's sex toys.<sup>4</sup>

**Lynn Miller** testified that Defendant became Ms. Giuffre's "new momma,"<sup>5</sup> though Defendant claims that she would not even remember Ms. Giuffre were it not for these

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<sup>1</sup> See McCawley Decl. at Composite Exhibit 4, Figueroa June 24, 2016 Dep. Tr. Vol. 1 at 96-97 and 103 (Figueroa testified that Plaintiff told him about threesomes with Defendant and Epstein which included the use of strap-ons); and Vol. 2 at 200 (Figueroa testified that Defendant called him inquiring if he had found any other girls for Epstein).

<sup>2</sup> See McCawley Decl. at Exhibit 5, Johanna Sjoberg's May 18, 2016 Dep. Tr. at 8-9, 13, 33-35, 142-143.

<sup>3</sup> See McCawley Decl. at Exhibit 6, Rinaldo Rizzo's June 10, 2016 Dep. Tr. at 52-60.

<sup>4</sup> See McCawley Decl. at Exhibit 7, Juan Alessi's June 1, 2016 Dep. Tr. at 28, 52-54.

<sup>5</sup> See McCawley Decl. at Exhibit 8, Lynn Miller's May 24, 2016 Dep. Tr. at 115.

proceedings (apparently, also forgetting the 23 flights she shared with Ms. Giuffre on Epstein's private jet,<sup>6</sup> known colloquially as the "Lolita Express"<sup>7</sup>).

**Police Detective Joseph Recarey**, who led the investigation of Epstein, testified that Defendant procured underage girls for Epstein.<sup>8</sup> Indeed, *on the morning that Recarey executed the search warrant* on Epstein's Palm Beach Property, Defendant, herself, called Epstein's housekeeper **Louella Rabuyo**, and told her not to come over to their house that day until the afternoon.<sup>9</sup>

And though Defendant refused to admit that she flew with Ms. Giuffre,<sup>10</sup> Epstein's pilot, **Dave Rodgers**, testified that the passenger listed on his flight log bearing the initials – GM – was in fact Ghislaine Maxwell and Rodgers was the pilot on at least 23 of the flights in which Defendant flew with Plaintiff.<sup>11</sup>

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<sup>6</sup> See Maxwell's April 22, 2016 Dep. Tr. at 78-79, 144 (barely recollects Plaintiff at all); *see also* McCawley Decl. at Exhibit 9, Excerpted Rodgers Dep. Ex. 1 (flight records evidencing Defendant (GM) flying with Ms. Giuffre).

<sup>7</sup> See McCawley Decl. at Exhibit 10, "All aboard the 'Lolita Express': Flight logs reveal the many trips Bill Clinton and Alan Dershowitz took on pedophile Jeffrey Epstein's private jet with anonymous women" at The Daily Mail, <http://www.dailymail.co.uk/news/article-2922773/Newly-released-flight-logs-reveal-time-trips-Bill-Clinton-Harvard-law-professor-Alan-Dershowitz-took-pedophile-Jeffrey-Epstein-s-Lolita-Express-private-jet-anonymous-women.html> (January 22, 2015).

<sup>8</sup> See McCawley Decl. at Exhibit 11, Detective Joseph Recarey's June 21, 2016 Dep. Tr. at 29-30.

<sup>9</sup> See McCawley Decl. at Exhibit 12, Louella Rabuyo's October 20, 2009 Dep. Tr. at 81-83.

<sup>10</sup> See McCawley Decl. at Exhibit 1 Maxwell's April 22, 2016 Dep. Tr. at 120-127, 132-133 and 145.

<sup>11</sup> See McCawley Decl. at Exhibit 13, David Rodgers' June 3, 2016 Dep. Tr. at 18, 34-36; *see also* Exhibit 9, Excerpted Rodgers Dep. Ex. 1 at flight #s 1433-1434, 1444-1446, 1464-1470, 1478-1480, 1490-1491, 1506, 1525-1526, 1528, 1570 and 1589.



Both **Sarah Kellen** and **Nadia Marcinkova** invoked the Fifth Amendment when asked about Defendant trafficking girls<sup>12</sup> in a previous action, and both failed to show up for their depositions in this case.

Also in a previous action, **Alfredo Rodriguez**, another house manager, testified that Defendant “knew what was going on” with the underage girls, and threatened him about telling others.<sup>13</sup>

Tellingly, Defendant has not been able to procure a single witness - not one - who can testify that Defendant did not procure girls for sex with Epstein and did not participate in the sex. Even one of her own witnesses, Tony Figueroa, testified that she both procured girls and participated in the sex. Indeed, those who knew her well, who spent considerable time in her and Epstein’s shared household, have testified that she was Epstein’s procuress.

With every deposition taken, the chorus of voices accusing Defendant of being a procurer of girls for Epstein grows louder and stronger, corroborating Ms. Giuffre’s account, and proving that Defendant defamed her when she called her a liar.<sup>14</sup>

In her Response brief, Defendant puts forth the number of questions posed to her in her deposition; however, the important number is omitted: how many questions she actually answered. What Defendant fails to tell the Court is how many questions - and how much deposition time - was taken up by Defendant engaging in improper behavior. Defendant spent much of her time refusing to answer basic questions so that they had to be repeated multiple

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<sup>12</sup> See McCawley Decl. at Exhibits 14-15, Sarah Kellen’s March 24, 2010 Dep. Tr. at 37-40, 100; and Nadia Marcinkova’s April 13, 2010 Dep. Tr. at 29-35, 47-49.

<sup>13</sup> See McCawley Decl. at Exhibit 16, Alfredo Rodriguez’ July 29, 2009 Dep. Tr. at 176-177; 169-172.

<sup>14</sup> Defendant claims that “Plaintiff’s counsel has admitted that it was a mistake to sue Alan Dershowitz for defamation, after he provided them documentation establishing he never was in their client’s presence, nor did he have sex with her.” This is simply untrue.

times. She also spent much of her time feigning incomprehension of simple sentences and common words, also causing the same question to be posed to her multiple times. For example, defendant pretended not to understand the question, “Do you believe that Epstein abused minors?,” causing it to be repeated multiple times.

Q. . . . do you believe that Jeffrey Epstein abused any minor children?

A. Can you repeat the question please and break it down so it's more understandable.

Q. Now that you have the police report that I showed you this morning that you had an opportunity to look at.

A. You gave it to me, I did not look at it.

Q. The questions that I asked you about the police report -- you are aware there is a police report?

A. I am aware there is a police report.

Q. You are aware there was a criminal investigation of Jeffrey Epstein?

A. I am aware that there was that.

Q. Now that you are aware of those two things and having talked to Jeffrey Epstein, do you believe Jeffrey Epstein sexually abused minors?

A. Can you reask the second part of that question please.

Q. Sure. The two documents we were talking about, the document and the investigation, you said you are aware of and after having talked to Jeffrey Epstein, do you believe Jeffrey Epstein sexually abused minors?

A. What do you mean I talked to Jeffrey, you need to break the question down further.

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Q. Let's take those two things. After knowing those two things, do you believe that Jeffrey Epstein abused minor children?

A. Can you explain what you mean by the question actually.

Q. I think the question speaks for itself. I will try again. I will say it one more time because I want you to be able to understand it. Knowing that you have the police report here and knowing about the criminal investigation, do you believe that Jeffrey Epstein sexually abused minors?

This sequence goes on and on. Counsel for Ms. Giuffre had to ask Defendant whether she believed Epstein abused minors *fourteen more times* after this exchange.<sup>15</sup> Still, Defendant never answered the question. See McCawley Decl. at Exhibit 1, Maxwell's April 22, 2016 Dep.

<sup>15</sup> See McCawley Decl. at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 170, 171, 173 (twice), 174 (twice), 175 (twice), 176 (twice), 178, 182 (twice), and 183. Counsel for Ms. Giuffre had to repeat other questions when Defendant did not answer them (e.g., asking about Defendant's knowledge of abuse of minors in Epstein's home, See McCawley Dec. at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 90, 168-169).

Tr. at 168:18 - 181:24. It appears that Defendant's misleading tally of questions posed to her includes all the times questions were repeated or needlessly re-worded due to her obstructionist deposition tactics.

Indeed, Defendant, who claimed her professional role with Epstein was to pay the pool guy,<sup>16</sup> has a master's degree from Oxford University's Balliol College. Yet, throughout the deposition, she feigned incomprehension of basic questions, and even of basic words. Defendant pretended she did not know what a "puppet" is. *See* McCawley Decl at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 287-290. Other examples of Defendant's feigned incomprehension of basic questions to avoid answering questions can be found attached at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 8:23-9:18 (pretending she did not know what a "female" is); 51:13 - 54:14 (pretending she didn't understand what "sexual acts" were); 69:25-71:16 (pretending she doesn't know what "sex toys" are); 87:8-91:3 (pretending that the dozens of police reports made by underage girls abused by Epstein were all "lies").

Defendant also repeatedly asked for simple questions to be rephrased, pretending that she did not understand. Specifically, she requested that questions be repeated or re-asked at least twenty-eight times. *See* McCawley Decl. at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 9, 13, 22, 26, 39, 50, 85, 93, 97, 98, 105, 121, 168-169, 187, 189, 201, 221 (two times), 239, 241, 257, 267, 278-279, 287, 289, 291, 336, and 377. Sometimes changing tact, she also asked for the questions to be broken down/apart. *See* McCawley Decl. at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 26, 93-94, 168-169, 170. Defendant is correct that there was much repetition in her deposition: many questions were asked multiple times when Defendant did not provide an answer, and many were asked multiple times at Defendant's own request.

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<sup>16</sup> *See* McCawley Decl. at Exhibit 1, Maxwell's April 22, 2016 Dep. Tr. at 50:18-24.

Defendant complains in her brief about the length of time she was deposed. That, too, was her own-doing. Her deposition would have been much shorter (and the second one avoided entirely) if she answered the questions posed to her the first time. Indeed, she was playing games, giving non-answers, and feigning incomprehension. It was Defendant's refusal to answer questions that caused this Court to order her to sit for a second deposition. That could have been avoided by simply answering the questions the first time. Defendant's behavior not only wasted everyone's time, but revealed that she could provide no answer to those questions that could aid in her defense.

Moreover, Defendant put forth a detailed chart to show that certain questions were "duplicative or redundant," but, tellingly, did not include Defendant's responses in the chart. The reason is clear: Defendant's non-communicative "non-answers" from her first deposition necessitated their repetition.

## II. DISCUSSION

The Court's Order was clear. Among other things, the Court ordered Defendant to answer questions related to her knowledge of the sexual activities of others with or involving Epstein.

Defendant is ordered to answer questions relating to ***Defendant's own sexual activity*** (a) with or involving Jeffrey Epstein ("Epstein"), (b) with or involving Plaintiff, (c) with or involving underage females known to Epstein or who Defendant believed or intended might become known to Epstein, or (d) involving or including massage with individuals Defendant knew to be, or believed might become, known to Epstein. Defendant is also directed to answer questions relating to ***her knowledge of sexual activities of others*** (a) with or involving Epstein, (b) with or involving Plaintiff, (c) with or involving underage females known to Epstein or who Defendant believed were known or might become known to Epstein, or (d) involving or including massage with individuals Defendant knew to be or believed might become known to Epstein. (FN. Each of the aforementioned lists are disjunctive.) The scope of Defendant's answers are not bound by time period, though Defendant need not answer questions that relate to none of these subjects or that is clearly not relevant, such as sexual activity of third-parties who bear no knowledge or relation to the key events, individuals, or locations of this case.

*See* McCawley Decl. at Exhibit 2, June 20, 2016 Sealed Order at p. 10 (Emphasis added).

As articulated in the moving brief, Defendant refused to answer four categories of questions that were directly within the ambit of this Court's Order.

First, Defendant refused to answer many questions about Johanna Sjoberg, who was recruited by Defendant, and subsequently abused by and had sex with Jeffrey Epstein. Questions relating to her involvement with Epstein and Defendant are directly within the ambit of the Court's Order. The Court should direct the Defendant to answer questions relating to Johanna Sjoberg because they are "questions relating to [Defendant's] knowledge of sexual activities of others with or involving Epstein."

Second, Defendant refused to answers concerning Maria and Annie Farmer. Defendant was involved in Epstein's sexual abuse, and grooming for sexual abuse, of Maria Farmer and Annie Farmer, respectively. Notably, Annie Farmer was only 16 years old at the time: a familiar yet still disturbing theme running through Defendant and Epstein's lifestyle. Therefore, questions relating to Defendant's involvement with, knowledge of, and observations of both Annie and Maria Farmer are within the ambit of this Court's Order because they are "questions relating to [Defendant's] knowledge of sexual activities of others with or involving Epstein."

Third, Defendant refused to answer questions regarding girls brought to "massage" Epstein by Tony Figueroa. Questions regarding the girls who Defendant asked Mr. Figueroa to bring to the house to "massage" Epstein are also directly within the ambit of this Court's Order.

Fourth, and related to the third topic, questions about Maxwell's knowledge of, and interactions with, any of the girls who came over to "massage" Epstein are all within the ambit of the Court's Order. Questions concerning Defendant's knowledge of and involvement with these girls are (1) "questions relating to [Defendant's] knowledge of sexual activities of others with or

involving Epstein;” (2) “questions relating to [Defendant’s] knowledge of sexual activities of others . . . with or involving underage females known to Epstein or who Defendant believed were known or might become known to Epstein;” (3) “questions relating to [Defendant’s] knowledge of sexual activities of others . . . involving or including massage with individuals Defendant knew to be or believed might become known to Epstein.”

Defendant also refused to answer foundational questions that are necessary precedent to the question authorized by this Court. The Court should direct Defendant to answer those questions, and all related questions that arise out of any response Defendant provides within the parameters of the Court’s June 20, 2016 Sealed Order.

As recounted more fully in the moving brief, the questions Defendant refused to answer fall squarely within this Court’s earlier order. Defendant can have no legitimate basis for obstructing the search for truth by refusing to answer. The Court should, again, compel Defendant to answer all these questions.

Defendant claims that “[i]t is difficult to discern precisely what questions Plaintiff is complaining about in her Motion because of her generalized and non-specific complaints.” Br. at 9. To the contrary, Ms. Giuffre set forth excerpts from the deposition transcript showing exactly what questions Defendant refused to answer. To wit, Defendant failed to answer “So is it fair to say that Johanna was initially hired to answer telephones, according to your testimony?” (Plaintiff’s Brief at 4); “So, how did it happen, Ms. Maxwell, that Joanna, who had been hired to answer the phones, ended up giving massages to you and Mr. Epstein?” (*Id.*); “Did Mr. Epstein pay Johanna for the massages that she gave Mr. Epstein?” (Plaintiff’s Brief at 6); and “Do you know whether or not Maria Farmer was ever at Mr. Wexner’s property in Ohio?” (Plaintiff’s Brief at 7). The brief also set for the instance wherein Mr. Pagliuca instructed the Defendant not

to answer any more questions with respect to whether she knows certain girls who came over to Epstein's home to massage him, "Q. Have you ever heard the name Carolyn Andriamo, A-N-D-R-I-A-M-O? A. I don't recollect that name at all. MR. PAGLIUCA: those names are on Exhibit 26, which we have already gone over and she said she didn't recognize those people, so now we are just repeating things that we went over. MR. BOIES: I am in the context of seeing if I can refresh her recollection, because these are women that Mr. Figueroa, who she also does not recall, brought over to Mr. Epstein's residences, and I also want to make a very clear record of what her testimony is and is not right now." (Plaintiff's Brief at 8-9). *See* McCawley Dec. at Exhibit 3, Excerpts from Maxwell July 22, 2016 Dep. Tr. at 154-156.

Defendant cannot make a credible argument that these questions, or their subject matter, are outside the scope of the Court's Order. All of them relate to Defendant's knowledge of individuals who "massaged" Jeffrey Epstein (Johanna Sjoborg), who were brought to their house to "massage" Jeffrey Epstein (Carolyn Andriamo and myriad other girls who Figueroa brought at Defendant's behest); and who were massaged by Defendant herself (Annie Farmer at 16 and Maria Farmer). Mr. Boies' unanswered questions are all directly within the ambit of this Court's Order. Again, Defendant's arguments do not change the language of this Court's Order; nor do they change the questions Defendant refused to answer. Defendant must answer these questions.

### III. CONCLUSION

Based upon the foregoing, Ms. Giuffre respectfully requests that this Court grant her Motion, and direct the Defendant to answer the disposition questions Mr. Boies posed to her.

Dated: August 12, 2016

Respectfully Submitted,  
BOIES, SCHILLER & FLEXNER LLP



By: /s/ Sigrid McCawley

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<sup>17</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 12th day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on the individuals identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

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/s/ Sigrid S. McCawley  
Sigrid S. McCawley

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v. .

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_/

**DECLARATION OF SIGRID S. MCCAWLEY IN SUPPORT OF  
PLAINTIFF'S MOTION TO ENFORCE THE COURT'S ORDER AND DIRECT  
DEFENDANT TO ANSWER DEPOSITION QUESTIONS**

I, Sigrid S. McCawley, declare that the below is true and correct to the best of my knowledge as follows:

1. I am a Partner with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's September 29, 2015 Order granting my Application to Appear Pro Hac Vice.

2. I respectfully submit this Declaration in Support of Plaintiff's Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions.

3. Attached hereto as Sealed Composite Exhibit 1 is a true and correct copy of Excerpt from April 22, 2016, Deposition of Ghislaine Maxwell.

4. Attached hereto as Sealed Exhibit 2 is a true and correct copy of June 20, 2016 Sealed Court Order.

5. Attached hereto as Sealed Composite Exhibit 3 is a true and correct copy of Excerpt from June 22, 2016, Deposition of Ghislaine Maxwell.

6. Attached hereto as Sealed Exhibit 4 is a true and correct copy of Excerpts from

June 24, 2016 Deposition of Tony Figueroa.

7. Attached hereto as Sealed Exhibit 5 is a true and correct copy of Excerpts from May 18, 2016, Deposition of Johanna Sjoberg.

8. Attached hereto as Sealed Exhibit 6 is a true and correct copy of Excerpts from June 10, 2016, Deposition of Rinaldo Rizzo.

9. Attached hereto as Sealed Exhibit 7 is a true and correct copy of Excerpts from June 1, 2016, Deposition of Juan Alessi.

10. Attached hereto as Sealed Exhibit 8 is a true and correct copy of Excerpts from May 24, 2016, Deposition of Lynn Trude Miller.

11. Attached hereto as Sealed Exhibit 9 are true and correct copies of flight logs excerpted Rodgers Dep. Ex. 1.

12. Attached hereto as Sealed Exhibit 10 is a true and correct copy of January 22, 2015 *Dailymail.co* article “All aboard The Lolita Express’: Flight Logs.

13. Attached hereto as Sealed Exhibit 11 is a true and correct copy of Excerpts from June 21, 2016, Deposition of Detective Joseph Recarey.

14. Attached hereto as Sealed Exhibit 12 is a true and correct copy of Excerpts from October 20, 2009, Deposition of Louella Rabuyo.

15. Attached hereto as Sealed Exhibit 13 is a true and correct copy of Excerpts from June 3, 2016, Deposition of David Rodgers.

16. Attached hereto as Sealed Exhibit 14 is a true and correct copy of Excerpts from March 24, 2010, Deposition of Sarah Kellen.

17. Attached hereto as Sealed Exhibit 15 is a true and correct copy of Excerpts from April 13, 2010, Deposition of Nadia Marcinkova.

18. Attached hereto as Sealed Exhibit 16 is a true and correct copy of Excerpts from July 29, 2009, Deposition of Alfredo Rodriguez.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Sigrid S. McCawley  
Sigrid S. McCawley, Esq.

Dated: August 12, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 12<sup>th</sup> day of August, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Sigrid S. McCawley  
Sigrid S. McCawley

# EXHIBIT 2

(Filed Under Seal)



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6-20-16

-----X  
VIRGINIA L. GUIFFRE,

Plaintiff,

- against -

15 Civ. 7433 (RWS)

OPINION

GHISLAINE MAXWELL,

Defendant.  
-----X

A P P E A R A N C E S:

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Counsel for Defendants

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Jeffrey S. Pagliuca, Esq.

Sweet, D.J.

Eight discovery motions are currently pending before this court.

1. Plaintiff Virginia Giuffre ("Giuffre" or "Plaintiff") has moved for an order of forensic examination, ECF No. 96. As set forth below, this motion is granted in part and denied in part.
2. Defendant Ghislaine Maxwell ("Maxwell") or ("Defendant") has moved to compel Plaintiff to disclose alleged on-going criminal investigations by law enforcement, ECF No. 101. As set for below, this motion is denied.
3. Plaintiff has moved to compel Defendant to answer deposition questions, ECF No. 143. This motion is granted.
4. Defendant has moved to compel non-privileged documents, ECF No. 155. As set forth below, this motion is denied.
5. Plaintiff has moved for leave to serve three deposition subpoenas by means other than personal service, ECF No. 160. As set forth below, this motion is granted in part and denied in part.
6. Defendant has moved to compel attorney-client communications and work product, ECF No. 164. As set forth below, this motion denied.

7. Plaintiff has moved to exceed the presumptive ten deposition limit, ECF No. 172. As set forth below, this motion is granted in part and denied in part.
8. Plaintiff has moved for leave to file an opposition brief in excess of the 25 pages permitted under this Court's Individual Rules of Practice. This motion is granted.

#### **I. Prior Proceedings**

Familiarity with the prior proceedings and facts of this case as discussed in the Court's prior opinions is assumed. See Giuffre v. Maxwell, No. 15 Civ. 7433 (RWS), 2016 WL 831949 (S.D.N.Y. Feb. 29, 2016); Giuffre v. Maxwell, No. 15 Civ. 7433 (RWS) (S.D.N.Y. May 2, 2016).

Plaintiff filed her motion for clarification of the Court's March 17, 2016 Order and for forensic examination on April 13, 2016. By Order dated April 15, 2016, the motion for clarification was denied on the basis that further clarification was unnecessary. Oral argument was held with respect to forensic examination on May 12, 2016, at which time the matter was deemed fully submitted.

Defendant filed her motion to compel Plaintiff to disclose ongoing criminal investigations by law enforcement, or in the alternative to stay proceedings, on April 18, 2016. Oral argument was heard and the motion granted in part and denied in part on April 21, 2016. Plaintiff was directed to submit the relevant materials for in camera review. Plaintiff did so on April 28, 2016.

Plaintiff filed her motion to compel Defendant to answer deposition questions on May 5, 2016. Oral argument was held on May 12, 2016, at which time the matter was deemed fully submitted.

Defendant filed her motion to compel non-privileged documents on May 20, 2016. By Order dated May 23, 2016, the motion was set for argument on June 2, 2016. The motion was taken on submission on that date. Defendant filed a reply on June 6, 2016.

Plaintiff filed her letter motion for leave to serve three depositions subpoenas by means other than personal service. By Order dated May 27, 2016, the motion was set for argument on June 2, 2016. The motion was taken on submission on that date.



Defendant filed her motion to compel attorney-client communications and work product on May 26, 2016. By Order dated May 27, 2016, the motion was set for argument on June 2, 2016. The motion was taken on submission on that date. Defendant filed a reply on June 6, 2016.

Plaintiff filed her motion to exceed the presumptive ten deposition limit on May 27, 2016. By Order dated June 6, 2016, the motion was set returnable on June 16, 2016, at which time the motion was deemed fully submitted.

Plaintiff filed her motion for leave to file excess pages on June 1, 2016.

## **II. Applicable Standards**

Rule 26 "create[s] many options for the district judge . . . [to] manage the discovery process to facilitate prompt and efficient resolution of the lawsuit." Crawford-El v. Britton, 523 U.S. 574, 599, 118 S. Ct. 1584, 1597, 140 L. Ed. 2d 759 (1998). It "vests the trial judge with broad discretion to tailor discovery narrowly and to dictate the sequence of discovery." Crawford-El v. Britton, 523 U.S. 574, 598, 118 S.

Ct. 1584, 1597, 140 L. Ed. 2d 759 (1998). The District Court may expand or limit the permitted number and time limits of depositions, direct "the time, place, and manner of discovery, or even bar discovery on certain subjects," and may "set the timing and sequence of discovery." Id. at 598-99; Fed. R. Civ. P. 26(b)(2)(A).

Consequently, the Court has wide discretion in deciding motions to compel. See Grand Cent. P'ship. Inc. v. Cuomo, 166 F.3d 473, 488 (2d Cir.1999). Federal Rule of Civil Procedure 26 states:

Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense—including the existence, description, nature, custody, condition, and location of any documents or other tangible things and the identity and location of persons who know of any discoverable matter. For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action.

Fed. R. Civ. P. 26. If a party objects to discovery requests, that party bears the burden of showing why discovery should be denied. Freydl v. Meringolo, 09 Civ. 07196(BSJ)(KNF), 2011 WL 256608-7, at \*3 (S.D.N.Y. June 16, 2011).

**III. The Motion For an Order of Forensic Examination Is Granted in Part and Denied in Part**

Federal Rule of Civil Procedure 26(f)(3)(C) requires the parties to state their views and proposals as to preservation of electronically stored information ("ESI") and the form of production of ESI. Fed. R. Civ. P. 26(f)(3)(C). Defendant having admitted to deletion practices that indicate relevant documents and also refused to detail document search methods, good cause exists to warrant court supervised examination of her electronic devices. Accordingly, Plaintiff's motion is granted in part.

Defendant is ordered to collect all ESI by imaging her computers and collecting all email and text messages on any devices in Defendant's possession or to which she has access that Defendant used between the period of 2002 to present. Defendant is further directed to run mutually-agreed upon search terms related to Plaintiff's requests for production over the aforementioned ESI and produce responsive documents within 21 days of distribution of this opinion.



#### IV. The Motion to Compel Plaintiff to Disclose Ongoing Criminal Investigations is Denied

The public interest privilege "exists to encourage witnesses to come forward and provide information in criminal investigations carried out by . . . [law enforcement] without fear that the information will be disclosed." Sanchez by Sanchez v. City of New York, 201 A.D.2d 325, 326, 607 N.Y.S.2d 321 (1994). A party seeking disclosure of such information "first must demonstrate a compelling and particularized need for access" beyond "[g]eneral and conclusory allegations." Id. The Court then weighs application of the qualified privilege by balancing the need for production against the potential harm to the public from disclosure. Id.

After review of the materials in camera, the qualified public interest privilege as set forth in Sanchez has been established with respect to the submitted documents. Defendant has articulated no need for the documents. Accordingly, the balance weighs in favor of the privilege, and the motion to compel is denied. To preserve the record, Plaintiff is directed to file under seal a comprehensive copy of the log and documents within 21 days of distribution of this opinion.

**V. The Motion to Compel Defendant to Answer Deposition Questions is Granted**

Plaintiff seeks to compel Defendant to answer questions regarding her knowledge of adult sexual activity, which defense counsel instructed Defendant not to answer during her deposition.

"Where a party objects to a discovery request, the objecting party bears the burden of demonstrating specifically how, despite the broad and liberal construction afforded the federal discovery rules, each request is not relevant or how each question is overly broad, burdensome or oppressive by submitting affidavits or offering evidence revealing the nature of the burden." John Wiley & Sons, Inc. v. Book Dog Books, LLC, 298 F.R.D. 184, 186 (S.D.N.Y. 2014) (citations, internal quotation marks and brackets omitted).

Defendant has submitted that she has not put her private affairs at issue, and that such questions are highly intrusive. Notwithstanding, the questions are directed to reveal relevant answers regarding Defendant's knowledge of Plaintiff's allegations. That knowledge goes directly to the truth or falsity of the alleged defamation, a key element of Plaintiff's claim.

Furthermore, privacy concerns are alleviated by the protective order in this case, drafted by Defendant.

Defendant is ordered to answer questions relating to Defendant's own sexual activity (a) with or involving Jeffrey Epstein ("Epstein"), (b) with or involving Plaintiff, (c) with or involving underage females known to Epstein or who Defendant believed or intended might become known to Epstein, or (d) involving or including massage with individuals Defendant knew to be, or believed might become, known to Epstein. Defendant is also directed to answer questions relating to her knowledge of sexual activities of others (a) with or involving Epstein, (b) with or involving Plaintiff, (c) with or involving underage females known to Epstein or who Defendant believed were known or might become known to Epstein, or (d) involving or including massage with individuals Defendant knew to be or believed might become known to Epstein.<sup>1</sup> The scope of Defendant's answers are not bound by time period, though Defendant need not answer questions that relate to none of these subjects or that is clearly not relevant, such as sexual activity of third-parties who bear no knowledge or relation to the key events, individuals, or locations of this case.

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<sup>1</sup> Each of the aforementioned lists are disjunctive.



**VI. The Motion to Compel Non-Privileged Documents is Granted in Part and Denied in Part**

Defendant has sought to compel the following documents: (1) attorney-client communications regarding media advice; (2) pre-existing documents transmitted to counsel; (3) documents shared with or communicated to unidentified third parties; (4) documents primarily for the purpose of providing business advice; (5) documents subject to an unidentified common interest or joint defense protection.

Plaintiff has represented that all responsive "attachments" Defendant seeks to compel have been produced. Accordingly, this request is denied.

Defendant seeks to compel attorney-client communications that include "third parties" on the basis that Plaintiff's privilege log is deficient for identifying individuals as "professionals retained by attorneys to aid in the rendition of legal advice." A review of Plaintiff's privilege log shows Plaintiff has expressly claimed privilege, described the nature of the withheld documents, communications, and tangible things not produced, and generally logged communications in compliance with Federal Rule of Civil Procedure 26(b)(5)(A)(ii). "Unless

the client waives privilege, an attorney or his or her employee, or any person who obtains without the knowledge of the client evidence of a confidential communication *made between the attorney or his or her employee and the client in the course of professional employment*, shall not disclose, or be allowed to disclose such communication, nor shall the client be compelled to disclose such communication." N.Y. C.P.L.R. 4503 (McKinney) (emphasis added). The conduct explicitly described by statute as privileged does not operate as waiver, and again Defendant has provided no factual basis to suggest Plaintiff has misrepresented the identity or role of the third-parties listed. Defendant's request is denied.

Defendant's challenge to the common interest privilege claims is likewise unavailing. Regardless of whether Plaintiff has reflexively claimed the common interest privilege in each entry does not vitiate the otherwise applicable privilege claims made, and Defendant has provided no factual foundation to establish waiver or failure of the other claimed privileges.

Finally, with respect to the media and business advice communications, Defendant has marshaled no evidence to support her speculation that the documents logged as privileged are improperly withheld other than the fact that one member of

Plaintiff's legal team is an author. Plaintiff has represented to the Court and via a detailed privilege log that the communications in question are privileged. Stan Pottinger, the author in question, is a barred attorney of record in this case, incomparable to Defendant's media agent (and non-attorney) Ross Gow. That Pottinger has written non-legal material, or even whether his "primary occupation in the most recent years [is] as a novelist," is irrelevant to whether his communication with Plaintiff as her counsel was for the purpose of providing legal advice. Similarly, Bradley Edwards, who Defendant has already challenged, is an attorney of record in this case, and Defendant has provided no evidence other than the fact of his representation of Plaintiff's non-profit to doubt that the communications logged are privileged.

Having provided no grounds to doubt the sworn representations of Plaintiff's counsel, Defendant's motion to compel these communications is denied. Defendant is granted leave to refile the motions with respect to media and business advice on the basis of relevant and non-specious factual support. Court intervention should not be invoked to resolve routine discovery matters on the basis of a supposition of bad faith. Further filing of frivolous or vexatious motions lacking sufficient factual support to support a colorable argument (or



on the basis of misrepresented or false facts or law) will be met with sanctions.

**VII. The Motion for Leave to Serve Three Deposition Subpoenas By Means Other than Personal Service is Granted in Part and Denied in Part**

Plaintiff seeks to compel subpoenas to serve Nadia Marcinkova, Sarah Kellen, and Jeffrey Epstein. The request is denied with respect to Epstein as moot. No opposition having been filed and the testimony of Marcinkova and Kellen being relevant to falsity of the defamation at issue, the motion is granted with respect to Marcinkova and Kellen.

**VIII. The Motion to Compel Attorney-Client Communications and Work Product is Denied**

Defendant argues that "Edwards and Cassell preemptively filed an action against Dershowitz proclaiming they did not violate Rule 11 . . . [and i]n doing so, they voluntarily put at issue and relied on: a) their good faith reliance on information communicated to them by Plaintiff, and b) their work product



showing that their filing was reasonably investigated and substantially justified." Def.'s Reply in Supp. Mot. to Compel all Att'y-Client Comms. and Att'y Work Product at 8-9 (Def.'s Reply on AC"). The Broward County, Florida Court ruled on this argument in Edwards and Cassell v. Dershowitz and Defendant argues in reply that this order is non-binding, and was issued prior to Plaintiff's testimony. Id. at 1.

Defendant was not a party to the Florida case. Nevertheless, Defendant's argument is nearly identical to Dershowitz's. Defendant argues Plaintiff's testimony arose after the ruling in the Florida case, however, the principle of that argument is the same: Defendant placed her attorney-client communications with Edwards and Cassell at issue by relying on the content of those communications in Edwards and Cassell v. Dershowitz. The Florida Court's ruling is therefore highly relevant privilege has not been waived.<sup>2</sup> The motion is accordingly denied.

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<sup>2</sup> The Court declines to address the choice of law issue, as application of Florida or New York at-issue doctrines are not outcome determinative in this instance and thus no determination is necessary. Compare Coates v. Akerman, Senterfitt & Eidson, P.A., 940 So. 2d 504, 510 (Fla. Dist. Ct. App. 2006) ("for waiver to occur under the at issue doctrine, the proponent of a privilege must make a claim or raise a defense based upon the privileged matter and the proponent must necessarily use the privileged information in order to establish its claim or defense.") with Chin v. Rogoff & Co., P.C., No. 05 CIV.

**IX. The Motion to Exceed the Ten Deposition Limit is Granted in Part and Denied in Part**

As of the filing of Plaintiff's reply on June 13, 2016, Plaintiff has deposed Defendant, Ms. Sjoberg, Mr. Alessi, Mr. Rodgers, and Mr. Rizzo and scheduled the depositions of Mr. Epstein, Mr. Gow, [REDACTED], Ms. Kellen, Ms. Marcinkova, Mr. Recarey, and Mr. Brunel. Plaintiff now seeks leave of the Court pursuant to Federal Rule of Civil Procedure 30(2)(A)(i) take three additional depositions: Mrs. Alessi, Mr. Reiter, and newly raised in Plaintiff's reply, Former President Clinton.

Discovery being well under way and depositions having been scheduled for more than ten individuals, the motion is timely. "The court must grant a request to exceed ten depositions unless the additional depositions would be unreasonably cumulative or duplicative, the requesting party had a prior opportunity in discovery to obtain the information sought, or the burden or

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8360(NRB), 2008 WL 2073934, at \*5 (S.D.N.Y. May 8, 2008) ("New York courts have held that an 'at issue' waiver occurs "where a party affirmatively places the subject matter of its own privileged communication at issue in litigation, so that invasion of the privilege is required to determine the validity of a claim or defense of the party asserting the privilege, and application of the privilege would deprive the adversary of vital information.").

expense of additional depositions would outweigh any likely benefit." In re Weatherford Int'l Sec. Litig., No. 11 CIV. 1646 LAK JCF, 2013 WL 5762923, at \*2 (S.D.N.Y. Oct. 24, 2013).

Plaintiff proposes limiting the length of the proposed depositions to limit any undue burden that might result. Defendant argues the depositions would be unduly cumulative and duplicative.

This case revolves around factual issues between Plaintiff and Defendant. The testimony of Mrs. Alessi concerning relevant facts may tend to either establish or negate falsity of the allegedly defamatory statement. The limited burden of this additional deposition, further mitigated as Plaintiff proposes, is therefore outweighed by the benefit of resolving this case on the merits. The motion with respect to this additional deposition is granted.

The relevance of the testimony of Mr. Reiter and President Clinton have not been adequately established. The motion as to these two depositions is denied. Defendant's request for costs and fees is denied pursuant to this Court's previous ruling with respect to costs and fees.



**X. The Motion for Leave to File Excess Pages is Granted**

Plaintiff sought leave to file excess pages in response to Defendant's motion to compel attorney-client communications and work product. To the extent the motion is not moot, leave is granted.

**XI. Conclusion**


As set forth above: the motion for an order of forensic examination is granted in part and denied in part; the motion to compel to compel Plaintiff to disclose alleged on-going criminal investigations by law enforcement is denied; the motion to compel Defendant to answer deposition questions is granted; the motion to compel non-privileged documents is denied; the motion for leave to serve three deposition subpoenas by means other than personal service is granted in part and denied in part; the motion to compel attorney-client communications and work product is denied; the motion to exceed the presumptive ten deposition limit is granted; the motion for leave to file an opposition brief in excess of the 25 pages permitted under this Court's Individual Rules of Practice is granted. This opinion resolves ECF Nos. 96, 101, 143, 155, 160, 164, 172, and 182.

For purposes of managing the filings in this case, the parties are further directed to comply with the Court's Individual Rules of Practice by providing all future motion papers in their full non-redacted form, complete with related declarations and exhibits, in a single complete bound hard copy delivered to Chambers at the time of filing. All soft-copies must be provided by attachment of a single PDF in its full non-redacted form, including all related declarations and exhibits irrespective of whether each attachment or declaration is intended to be filed under seal. Soft-copies must be provided in addition to, not in lieu of, hard-copies.

This matter being subject to a Protective Order, the parties are directed to meet and confer regarding redactions to this Opinion consistent with that Order. The parties are further directed to jointly file a proposed redacted version of this Opinion or notify the Court that none are necessary within two weeks of the date of receipt of this Opinion.

It is so ordered.

New York, NY  
June 20, 2016



ROBERT W. SWEET  
U.S.D.J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VIRGINIA GIUFFRE,

Plaintiff,

-against-

GHISLAINE MAXWELL,

Defendant.

15 Civ. 7433 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Before the Court are letter-motions filed by Intervenor Julie Brown and Miami Herald Media Company, (dkt. no. 1321), and Intervenor Alan Dershowitz, (dkt. no. 1323), seeking to unseal in part docket entry 1026-3 to disclose the identities of the Jane and John Does. For the reasons set forth below, the letter-motions to unseal docket entry 1026-3 are DENIED.

First, docket entry 1026-3 is not an accurate list of non-party names. Since this filing, the parties have provided the Court with an updated list of non-party names ("Document"), and disclosure of docket entry 1026-3, which is now outdated, would therefore compound, not "avoid," the "spread of incorrect information." (See dkt. no. 1321 at 2.)

Second, even so, the privacy interests at stake outweigh any presumption of public access to the Document. The public does not have an absolute right to access and inspect court documents; rather, courts may exercise their supervisory power to ensure that



records are not used as “vehicle[s] for improper purposes,” including, for example, “to promote public scandal.” See Nixon v. Warner Commc’ns, Inc., 435 U.S. 589, 598 (1978); see also Brown v. Maxwell, 929 F.3d 41, 51 (2d Cir. 2019) (explaining the same). This Document is akin to a summary exhibit under Federal Rule of Evidence 1006 – a mere aid prepared by the parties to assist the Court in carrying out its work. It includes the Does’ names, pseudonyms, home addresses, and the document(s) in which each Doe appears. Importantly, the underlying documents, akin to the evidence, have already been ordered unsealed with respect to most of the Does.<sup>1</sup> (See dkt. no. 1315.) Moreover, the Court’s December 18 Order set forth an anonymized list of Does, the documents in which each appears, and the Court’s reasoning for granting or denying unsealing. Thus, disclosing the Document will contribute nothing to the public’s information that is not already knowable from the underlying documents and the Court’s December 18 Order.

At the same time, unsealing the Document poses a danger to the privacy interests of the parties whose identities the Court has declined to unseal. Even if those Does’ names were redacted in an unsealed version of the Document, the alphabetical order of

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<sup>1</sup> With respect to the remaining Does, the Court has explained its reasons for declining to unseal their names, and any party dissatisfied with those reasons can appeal to the Court of Appeals.

the list could easily lead to speculation about the identities of the as-yet-unnamed Does. This outcome is particularly likely in the wake of the recent media frenzy about some supposed "Epstein List" and the mass speculation about the identities of those on it. The Document includes minor victims, health care providers, members of law enforcement, and mere bystanders who have not sought publicity on these matters, and the Court has already found that their privacy interests outweigh any presumption of public access. Those same reasons for denying unsealing continue to apply and to outweigh the public's interest in this Document.

Accordingly, the letter-motions to unseal in part docket entry 1026-3 (dkt. nos. 1321, 1323) are DENIED.

**SO ORDERED.**

Dated: January 5, 2024  
New York, New York



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LORETTA A. PRESKA  
Senior United States District Judge



January 5, 2024

**VIA ECF**

The Honorable Loretta A. Preska  
District Court Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: **Giuffre v. Maxwell, Case No. 15-cv-7433-LAP**

Dear Judge Preska,

Pursuant to the Court's December 18, 2023, unsealing order, and following conferral with Defendant, Plaintiff files this set of documents ordered unsealed. The filing of these documents ordered unsealed will be done on a rolling basis until completed. This filing also excludes documents pertaining to Does 105 (*see* December 28, 2023, Email Correspondence with Chambers), 107, and 110 (*see* ECF No. 1319), while the Court's review of those documents is ongoing.

Respectfully,

/s/ Sigrid S. McCawley  
Sigrid S. McCawley

cc: Counsel of Record (via ECF)

COMPOSITE  
EXHIBIT 2  
(File Under Seal)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

VIRGINIA L. GIUFFRE,

Plaintiff,

Case No.:

-against-

15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendants.

- - - - - x

\*\*CONFIDENTIAL\*\*

Videotaped deposition of GHISLAINE  
MAXWELL, taken pursuant to subpoena, was  
held at the law offices of BOIES  
SCHILLER & FLEXNER, 575 Lexington  
Avenue, New York, New York, commencing  
April 22, 2016, 9:04 a.m., on the above  
date, before Leslie Fagin, a Court  
Reporter and Notary Public in the State  
of New York.

- - -

MAGNA LEGAL SERVICES  
1200 Avenue of the Americas  
New York, New York 10026

1 G Maxwell - Confidential

2 underage?

3 A. I can only testify to what I saw  
4 and what I was present for, so if you are  
5 asking me what I saw then I am happy to  
6 testify. I cannot testify to what somebody  
7 else did or didn't do.

8 Q. Did you issue a statement to your  
9 press agent, Ross Gow in 2015, stating that  
10 Virginia Roberts' claims were, quote, obvious  
11 lies?

12 MR. PAGLIUCA: Objection to the  
13 form and foundation.

14 Q. You can answer.

15 A. You need to reask me the question.

16 Q. Sure.

17 Did you issue a press statement  
18 through your press agent, Ross Gow, in  
19 January of 2015, stating that Virginia  
20 Roberts' claims were, quote, obvious lies?

21 MR. PAGLIUCA: Objection to the  
22 form and foundation.

23 A. Can you ask it a different way,  
24 please?

25 Q. I will ask it again and you can

1 G Maxwell - Confidential

2 listen carefully.

3 Did you issue a press statement  
4 through your press agent, Ross Gow, in  
5 January of 2015, where you stated that  
6 Virginia Roberts' claims were, quote, obvious  
7 lies?

8 MR. PAGLIUCA: Objection to the  
9 form and foundation.

10 A. So my lawyer, Philip Barden  
11 instructed Ross Gow to issue a statement.

12 Q. Today, did you say that Virginia  
13 lied about, quote, absolutely everything?

14 A. I said that there are some things  
15 she may not have lied about.

16 Q. So are you saying it's an obvious  
17 lie that Jeffrey Epstein engaged in sexual  
18 contact with Virginia while Virginia was  
19 underage?

20 MR. PAGLIUCA: Objection to the  
21 form and foundation.

22 A. Can you ask the question again,  
23 please?

24 Q. Are you saying it's an obvious lie  
25 that Jeffrey Epstein engaged in sexual



1 G Maxwell - Confidential

2 conduct with Virginia while Virginia was  
3 underage?

4 MR. PAGLIUCA: Objection to the  
5 form and foundation.

6 Q. You can answer.

7 A. Try again, please.

8 Q. Are you saying that it's an obvious  
9 lie that Jeffrey Epstein engaged in sexual  
10 conduct with Virginia while Virginia was  
11 underage?

12 MR. PAGLIUCA: Objection to the  
13 form and foundation.

14 A. Again, I'm telling you, first of  
15 all, it was a statement that was issued by my  
16 lawyer and -- through my lawyer to Ross Gow.

17 Q. I understand that. I'm asking you,  
18 are you saying that it's an obvious lie that  
19 Jeffrey Epstein engaged in sexual conduct  
20 with Virginia while Virginia was underage.

21 Is that a lie?

22 MR. PAGLIUCA: Objection to the  
23 form and foundation.

24 Q. You can answer.

25 A. So I cannot testify to what Ross

1 G Maxwell - Confidential

2 Gow and Philip Barden decided to put -- I can  
3 testify to what Virginia's obvious lies are  
4 as regards to me. I cannot make  
5 representations about all the many lies she  
6 may or may not have told about Jeffrey.

7 Q. So is Virginia lying when she says,  
8 is it an obvious lie when she says that she  
9 had sex with Jeffrey Epstein while she was  
10 underage?

11 MR. PAGLIUCA: Objection to the  
12 form and foundation.

13 A. Again, I'm testifying to what I  
14 know to be true. I can only testify to all  
15 the many lies she told about me. I cannot  
16 testify to what lies she told about somebody  
17 else. Given she told so many about me, one  
18 can probably infer she is lying about  
19 everything.

20 Q. So you think she is lying when she  
21 said she had sex with Jeffrey Epstein when  
22 she was underage?

23 MR. PAGLIUCA: Objection to the  
24 form and foundation.

25 A. Again, I can only talk about what I

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

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**PLAINTIFF'S MOTION TO COMPEL DATA FROM DEFENDANT'S UNDISCLOSED  
EMAIL ACCOUNT AND FOR AN ADVERSE INFERENCE INSTRUCTION**

Plaintiff, Virginia Giuffre, by and through her undersigned counsel, files this Motion to Compel Data from Defendant's Undisclosed Email Account and for An Adverse Inference Instruction regarding the data from that account, and states as follows. Defendant has not disclosed, nor produced data from, the email account she used while abusing Ms. Giuffre from 2000-2002 in violation of this Court's Order [DE 352]. Ms. Giuffre hereby moves to compel Defendant to produce this data, and requests that this Court enter an adverse inference jury instruction for this willful violation of this Court's orders.

**I. BACKGROUND**

The earliest-dated email Defendant has produced in this litigation is from July 18, 2009. (GM\_00069). Ms. Giuffre is aware of two email addresses that appear to be the email addresses Defendant used while Ms. Giuffre was with Defendant and Epstein, namely, from 2000 - 2002. Defendant has denied that she used those accounts to communicate, but she has not disclosed the account she did use to communicate during that time, nor produce documents from it.

Importantly, Defendant has never denied using an email account for communication from 1999-2009, and the facts and circumstances show that it is exceedingly unlikely that Defendant did not use an email account to communicate those years.<sup>1</sup>

For example, according to United States Department of Commerce, “eighty-eight percent of adult Internet users sent or received e-mail” in 2000. *See* Eric C. Newburger, “Home Computers and Internet Use in the United States: August 2000,” U.S. DEPARTMENT OF COMMERCE, ECONOMICS AND STATISTICS ADMINISTRATION, U.S. CENSUS BUREAU, September 2001. Additionally, the Pew Research Center published findings that certain demographics have higher internet usage, including many demographics to which Defendant belongs. For example, higher rates of internet usage are found among younger adults (Defendant was 38 in 1999); those with college educations (Defendant has a master’s degree); those in households earning more than \$75,000 (Defendant was in a household headed by a billionaire during that time, and that household had its own private email server and account); whites or English-speaking Asian-Americans (Defendant is white); and those who live in urban areas (Defendant lived in Palm Beach and Manhattan). *See* Andres Perrin and Maeve Duggan, ‘Americans’ Internet Access: 2000-2015,” PEW RESEARCH CENTER, June 26, 2015.

Additionally, her boyfriend, Jeffrey Epstein, with whom she shared a household from 1999-2002 (and other years), implemented an entire, private email system to communicate with his household and employees, including Defendant. Accordingly, given Defendant’s extraordinary economic resources, her high-level social connections, and her elaborate residential email/internet configuration she had during that time, it is extraordinarily unlikely that she would not employ an almost ubiquitous communication tool, nor has she denied it.

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<sup>1</sup> On Friday, September 23, 2016, counsel for Ms. Giuffre sent a letter to Defendant inquiring about the undisclosed account. As of the date of this motion, Defendant has made no response.

**A. The [REDACTED] Account**

Ms. Giuffre has knowledge of the [REDACTED] account because it was listed as part of Defendant's contact information (including phone number) on documents gathered by the police from Epstein's home, and turned over to the Palm Beach County State Attorney as part of the investigation and prosecution of Epstein.



See (DE 280-2), Palm Beach County State Attorney's Office, Public Records Request No.: 16-268, Disc 7 at p. 2305 (GIUFFRE007843). Despite the fact that this account was listed as her contact information in the home she shared with Epstein, and despite the fact that *the username bears her initials*, Defendant claims she does not recognize the account, and has no access to it.

**B. The [REDACTED] Account**

The mindspring account is also listed as part of Defendant's contact information gathered by the police. In her filing with this Court, Defendant represented that this was merely a "spam" account "to use when registering for retail sales notifications and the like," and that it contains no relevant documents. (DE 345 at pg. 8). However, it appears that Jeffrey Epstein created the mindspring.org accounts to communicate with his household and with his employees, and did, in fact, communicate with them this way.

As previously recounted, Jeffrey Epstein's house manager, Juan Alessi testified that MindSpring account was in daily use by the Epstein household to send and receive messages, a household to which Defendant belonged:

Q. So when there would be a message from one of them while they were out of town, they would call you, call you on the telephone?

A. I haven't spoken to Ghislaine in 12 years.

Q. Sorry. I'm talking about when you worked there and you would receive a message that they were coming into town, would that be by way of telephone?

A. Telephone, and also, there was a system at the house, that it was MindSpring, MindSpring I think it's called, that it was like a message system that would come from the office.

Q. What is MindSpring?

A. It was a server. I think it was -- the office would have, like, a message system between him, the houses, the employees, his friends. They would write a message on the computer. There was no email at that time.

Q. Okay. So what computer would you use?

A. My computer in my office.

Q. And so was part of your daily routine to go to your computer and check to see if you had MindSpring messages?

A. No. That was at the end of my stay. That was the very end of my stay. I didn't get involved with that too much. But it was a message system that Jeffrey received every two, three hours, with all the messages that would have to go to the office in New York, and they will print it and send it faxed to the house, and I would hand it to him.

Q. Did it look like the message pads that we've been looking at?

A. No, no, nothing like that.

Q. Was it typed-out messages?

A. Yes, typed-out messages.

Q. Just explain one example of how it would work. Let's say that Ghislaine wanted to send him a message on MindSpring. How would that work?

A. An example?

Q. Sure.

A. It got so ridiculous at the end of my stay, okay? That Mr. Epstein, instead of talking to me that he wants a cup of coffee, he will call the office; the office would type it; they would send it to me, Jeffrey wants a cup of coffee, or Jeffrey wants an orange juice out by the pool.

Q. He would call the office in New York. They would then type it in MindSpring?

A. Send it to me.

Q. How would you know to check for it? How would you know to look for this MindSpring?

A. Because I was in the office. I was there. I was there. And we have a signal when it come on and says, Hey, you've got mail.

Q. Okay.

A. Every day. Every day it was new things put in. That's why I left, too.

Q. Do you know who set up the mind spring system?

A. It was a computer guy. It was a computer guy who worked only for Jeffrey. Mark. Mark Lumber.

Q. Was he local to Palm Beach?

A. No. He was in New York. Everything was set up from New York. And Mark Lumber, I remember he came to Palm Beach to set up the system at the house.

Alessi Dep. Tr. at 223:5-225:17. (June 1, 2016) (McCawley Decl. at Sealed Exhibit 1).

Accordingly, mindspring was a domain name set up for Jeffrey Epstein and his household to communicate with one another, and was, in fact, used in this manner.

The sworn testimony of Janusz Banasiak, another of Epstein's house managers, from the case *L.M. v. Jeffery Epstein and Sarah Kellen*,<sup>2</sup> gives a fuller representation of how Defendant, and others in Epstein's sex-trafficking ring, used their accounts on Epstein's mindspring server:

Q. Okay. Were you aware that Mr. Epstein used a Citrix program to link various computers? Did you know that?

A. Yeah. I use Citrix too in my computer for exchanging e-mails and get through Internet.

\*\*\*

---

<sup>2</sup> Case No.: 502008CA028051XXXXMB AB, In the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.



Q. That's not something that you were, you were privy to? You weren't, you weren't in the loop of the sharing of information in the house in terms of the computers being connected through any server?

A. I don't really know what, how, how to answer your question because Citrix is for the whole organization to exchange e-mail between employees.

Q. All right. You used the term?

A. So, even my computer is connected to Citrix. I can receive mail and I can e-mail information to employee within organization. But I don't know if you can see to each computer what is going on on another computer.

\*\*\*

Q. You have used the term organization; you can share within the organization. What do you -- just so I can understand what you're calling the organization, what do you mean by that word?

A. People employed by Jeffrey Epstein. There are a few groups of people, his office in New York and I guess --

\*\*\*

Q. Okay. The other people mentioned as co-conspirators are Sarah Kellen, Adriana Ross, and Nadia Marcinkova. So we'll get to them in a minute but first just so we stay on the track of who was in the organization, is Sarah Kellen, Adriana Ross and Nadia Marcinkova all people that you would also consider within the organization?

A. Yes.

Q. Okay. So, we just added three more names to it. **Who else would you consider, Ghislaine Maxwell?**

A. Yes.

Banasiak Deposition at 56:13-17; 57:2-14; 58:1-7; 60:21-61:7 (February 16, 2010) (Emphasis added) (McCawley Decl. at Sealed Composite Exhibit 2).

As Defendant was a member of Epstein's household, and claims to have been his employee (See McCawley Decl. at Sealed Exhibit 3, Maxwell's April 22, 2016 Dep. Tr. at 10:7-11:3), it is unlikely that her mindspring account was merely a "spam account" from 1999-2002. It is much more likely that this account has - or *had* - Defendant's communications with co-

conspirators Sarah Kellen, Nadia Marcinkova, and Epstein. However, it is Defendant's representation that this account does not presently have responsive documents and was merely used for "spam."

### **C. Defendant's Non-Disclosed Email Account**

If the Court accepts Defendant's claim that she used neither the earthlink.net account nor the mindspring.org "spam" account to communicate, logic dictates that Defendant must have had another email account - one that she actually used - from 2000 - 2002. Despite the Court's orders that Defendant produce responsive documents from *all* her email accounts from 1999 to the present, Defendant has neither disclosed nor produced from the email account that she actually used to communicate from 2000-2002. This refusal violates this Court's orders. Ms. Giuffre issued requests to Defendant on October 27, 2015. Nearly a year later, after this Court has specifically ordered Defendant to produce her responsive email from *all* her accounts, Defendant has produced none from this account. Not only has Defendant failed to produce emails from the account she actually used from 1999-2002, and she has not even disclosed what account it is.

## **II. ARGUMENT**

### **A. An Adverse Inference Instruction is Appropriate**

An adverse inference instruction is appropriate regarding documents from the email account Defendant actually used from 1999-2002. In light of this clear and persistent pattern of recalcitrance, the Court should instruct the jury that it can draw an adverse inference that the Defendant has concealed relevant evidence. Even if Defendant were, at this late date, to run Ms. Giuffre's proposed search terms over the data from the email account she used from 1999 - 2002 (which she refuses to disclose), such a production would be both untimely and prejudicial. Fact discovery has closed. Numerous depositions have already been taken by Ms. Giuffre without the benefit of these documents. The window for authenticating the documents through depositions

has shut. Expert reports have been exchanged, so Ms. Giuffre's experts did not have the benefit of reviewing these documents. Late production of this information robs Ms. Giuffre of any practical ability to use the discovery, and, importantly, it was incumbent on Defendant to identify this account.

The Second Circuit has stated, “[w]here documents, witnesses, or information of any kind relevant issues in litigation is or was within the exclusive or primary control of a party and is not provided, an adverse inference can be drawn against the withholding party. Such adverse inferences are appropriate as a consequence for failure to make discovery.” *Bouzo v. Citibank*, N.A., 1993 WL 525114, at \*1 (S.D.N.Y. 1993) (internal citations omitted). The Defendant's continued systemic foot-dragging and obstructionism – even following the Court's June 20 Sealed Order and August 10, 2016 Order [DE 352] – makes an adverse inference instruction with regard to Defendant's documents appropriate. An adverse inference instruction is appropriate when a party refuses to turn over documents in defiance of a Court Order. *See Lyondell-Citgo Refining, LP v. Petroleos de Venezuela, S.A.*, 2005 WL 1026461, at \*1 (S.D.N.Y. May 2, 2005) (denying application to set aside Magistrate Judge Peck's order entering an adverse inference instruction against defendant for failure to produce documents that the Judge Peck had ordered Defendant to produce). Accordingly, because a “party's failure to produce evidence within its control creates a presumption that evidence would be unfavorable to that party” an adverse inference should be applied with respect to Defendant's failure to produce data from the email account she used from 1999 -2002 “in order to ensure fair hearing for [the] other party seeking evidence.” *Doe v. U.S. Civil Service Commission*, 483 F. Supp. 539, 580 (S.D. N.Y., 1980) (citing *International Union v. NLRB*, 148 U.S. App. D.C. 305, 312-317, 459 F.2d 1329, 1336-41 (D.C.Cir.1972)).

“An adverse inference serves the remedial purpose of restoring the prejudiced party to the same position he would have been in absent the wrongful destruction of [or willful refusal to produce] evidence by the opposing party.” *Chevron Corp. v. Donziger*, 296 F.R.D. 168, 222 (S.D.N.Y. 2013) (granting an adverse inference when defendants refused to produce documents pursuant to the District Court’s order). Where “an adverse inference ... is sought on the basis that the evidence was not produced in time for use at trial, the party seeking the instruction must show (1) that the party having control over the evidence had an obligation to timely produce it; (2) that the party that failed to timely produce the evidence had ‘a culpable state of mind’; and (3) that the missing evidence is ‘relevant’ to the party’s claim or defense such that a reasonable trier of fact could find that it would support that claim or defense.” *Id.* (citing *Residential Funding Corp. v. DeGeorge Financial Corp.*, 306 F.3d 99, 108 (2d Cir. 2002)).

Furthermore, as discussed in detail in Ms. Giuffre’s Motion for an Adverse Inference Instruction (DE 315) and Supplement Motion for Adverse Inference Instruction (DE 338), an adverse inference is appropriate regarding the documents that Defendant is withholding under the Second Circuit’s test set forth in *Residential Funding*. Defendant has admitted to deleting emails as this Court noted in its Order. An adverse inference is equally appropriate if the non-compliance was due to Defendant’s destruction of evidence. *See Brown v. Coleman*, 2009 WL 2877602, at \*2 (S.D.N.Y. Sept. 8, 2009) (“Where a party violates a court order—either by destroying evidence when directed to preserve it or by failing to produce information because relevant data has been destroyed—Rule 37(b) of the Federal Rules of Civil Procedure provides that the court may impose a range of sanctions, including dismissal or judgment by default, preclusion of evidence, imposition of an adverse inference, or assessment of attorneys’ fees and costs. Fed. R. Civ. P. 37(b); *see Residential Funding Corp. v. DeGeorge Financial Corp.*, 306

F.3d 99, 106–07 (2d Cir.2002)’’). *See also Essenter v. Cumberland Farms, Inc.*, 2011 WL 124505, at \*7 (N.D.N.Y. Jan. 14, 2011); and Rule 37(e), Fed. R. Civ. P. (‘‘If electronically stored information that should have been preserved in the anticipation or conduct of litigation is lost because a party failed to take reasonable steps to preserve it . . . the court: (2) only upon finding that the party acted with the intent to deprive another party of the information’s use in the litigation may: (A) presume that the lost information was unfavorable to the party; (b) instruct the jury that it may or must presume the information was unfavorable to the party; or (C) dismiss the action or enter a default judgment.’’). Failure to disclose the email account Defendant actually used from 1992-2002 warrants an adverse inference instruction.

### **III. CONCLUSION**

For the reasons set forth above, Ms. Giuffre respectfully requests that this Court compel Defendant to disclose what email account she actually used from 2009-1999, and that the court give the jury an adverse inference jury instruction concerning the documents from the undisclosed email account.

October 14, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley  
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---

<sup>3</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on October 14, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Meredith Schultz  
Meredith Schultz



**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_/

**DECLARATION OF SIGRID MCCAWLEY IN SUPPORT OF PLAINTIFF'S MOTION  
TO COMPEL DATA FROM DEFENDANT'S UNDISCLOSED EMAIL ACCOUNT AND  
FOR AN ADVERSE INFERENCE INSTRUCTION**

I, Sigrid McCawley, declare that the below is true and correct to the best of my knowledge as follows:

1. I am a Partner with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's Order granting my Application to Appear Pro Hac Vice.
2. I respectfully submit this Declaration in Support of Plaintiff's Motion to Compel Data from Defendant's Undisclosed Email Account and for Adverse Inference Instruction.
3. Attached hereto as Sealed Exhibit 1 is a true and correct copy of Excerpts from June 1, 2016, Deposition of Juan Alessi.
4. Attached hereto as Sealed Composite Exhibit 2 are true and correct copies of Excerpts from February 16, 2010 Deposition of Janusz Banasiak.
5. Attached hereto as Sealed Exhibit 3 is a true and correct copy of Excerpts from April 22, 2016 Deposition of Ghislaine Maxwell.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Sigrid McCawley  
Sigrid McCawley, Esq.

Dated: October 14, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid S. McCawley  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 14th day of October, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Sigrid S. McCawley  
Sigrid S. McCawley

# EXHIBIT 1

## (File Under Seal)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 1, 2016

9:12 a.m.

C O N F I D E N T I A L

Deposition of JOHN ALESSI, pursuant  
to notice, taken by Plaintiff, at the  
offices of Boies Schiller & Flexner, 401  
Las Olas Boulevard, Fort Lauderdale, Florida,  
before Kelli Ann Willis, a Registered  
Professional Reporter, Certified Realtime  
Reporter and Notary Public within and  
for the State of Florida.

1 JOHN ALESSI

2 Q. You never received emails from either of  
3 them?

4 A. No, sir.

5 Q. So when there would be a message from one  
6 of them while they were out of town, they would call  
7 you, call you on the telephone?

8 A. I haven't spoken to Ghislaine in 12 years.

9 Q. Sorry. I'm talking about when you worked  
10 there and you would receive a message that they were  
11 coming into town, would that be by way of telephone?

12 A. Telephone, and also, there was a system at  
13 the house, that it was MindSpring, MindSpring I  
14 think it's called, that it was like a message system  
15 that would come from the office.

16 Q. What is MindSpring?

17 A. It was a server. I think it was -- the  
18 office would have, like, a message system between  
19 him, the houses, the employees, his friends. They  
20 would write a message on the computer. There was no  
21 email at that time.

22 Q. Okay. So what computer would you use?

23 A. My computer in my office.

24 Q. And so was part of your daily routine to  
25 go to your computer and check to see if you had



1 JOHN ALESSI

2 MindSpring messages?

3 A. No. That was at the end of my stay. That  
4 was the very end of my stay. I didn't get involved  
5 with that too much. But it was a message system  
6 that Jeffrey received every two, three hours, with  
7 all the messages that would have to go to the office  
8 in New York, and they will print it and send it  
9 faxed to the house, and I would hand it to him.

10 Q. Did it look like the message pads that  
11 we've been looking at?

12 A. No, no, nothing like that.

13 Q. Was it typed-out messages?

14 A. Yes, typed-out messages.

15 Q. Just explain one example of how it would  
16 work. Let's say that Ghislaine wanted to send him a  
17 message on MindSpring. How would that work?

18 A. An example?

19 Q. Sure.

20 A. It got so ridiculous at the end of my  
21 stay, okay? That Mr. Epstein, instead of talking to  
22 me that he wants a cup of coffee, he will call the  
23 office; the office would type it; they would send it  
24 to me, Jeffrey wants a cup of coffee, or Jeffrey  
25 wants an orange juice out by the pool.

1 JOHN ALESSI

2 Q. He would call the office in New York.  
3 They would then type it in MindSpring?

4 A. Send it to me.

5 Q. How would you know to check for it? How  
6 would you know to look for this MindSpring?

7 A. Because I was in the office. I was there.  
8 I was there. And we have a signal when it come on  
9 and says, Hey, you've got mail.

10 Q. Okay.

11 A. Every day. Every day it was new things  
12 put in. That's why I left, too.

13 Q. Do you know who set up the mind spring  
14 system?

15 A. It was a computer guy. It was a computer  
16 guy who worked only for Jeffrey. Mark. Mark  
17 Lumber.

18 Q. Was he local to Palm Beach?

19 A. No. He was in New York. Everything was  
20 set up from New York. And Mark Lumber, I remember  
21 he came to Palm Beach to set up the system at the  
22 house.

23 Q. Did you become aware at some point in time  
24 that there was a bag or a briefcase of cash that was  
25 in the house?

COMPOSITE  
EXHIBIT 2  
(FILE UNDER SEAL)

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL  
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA  
CASE NO:502008CA028051XXXXMB AB

L.M.

Plaintiff,

-vs-

JEFFREY EPSTEIN  
AND SARAH KELLEN,

Defendants.

\_\_\_\_\_ /

DEPOSITION OF JANUSZ BANASIAK

Tuesday, February 16, 2010  
10:09 - 2:30 p.m.

250 Australian Avenue South  
Suite 1500  
West Palm Beach, Florida 33401

Reported By:  
Cynthia Hopkins, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting  
Job No.: 1317

(561) 832-7500 PROSE COURT REPORTING AGENCY, INC. (561) 832-7506

1 Q. Is your computer in your office --

2 A. Yes.

3 Q. Let me finish. Is the computer in your  
4 office linked up with the three computers that were  
5 removed from the house? Meaning, can you look at  
6 the system and see what is on those three computers?

7 A. No, no.

8 Q. Is it your understanding that those three  
9 computers are linked with one another or do you  
10 know?

11 A. I don't know, but I, I doubt it. They are  
12 separate I guess.

13 Q. Okay. Were you aware that Mr. Epstein  
14 used a Citrix program to link various computers?  
15 Did you know that?

16 A. Yeah. I use Citrix too in my computer for  
17 exchanging e-mails and get through Internet.

18 Q. Okay. So, is it your understanding that  
19 the only connection then through Citrix with these  
20 computers, these various computers that were in  
21 Mr. Epstein's home, was for e-mail purposes?

22 A. Yes.

23 Q. Okay. To your knowledge, you're not  
24 familiar with those computers sharing other files or  
25 information?

1 A. No.

2 Q. That's not something that you were, you  
3 were privy to? You weren't, you weren't in the loop  
4 of the sharing of information in the house in terms  
5 of the computers being connected through any server?

6 A. I don't really know what, how, how to answer  
7 your question because Citrix is for the whole  
8 organization to exchange e-mail between employees.

9 Q. All right. You used the term?

10 A. So, even my computer is connected to Citrix.  
11 I can receive mail and I can e-mail information to  
12 employee within organization. But I don't know if you  
13 can see to each computer what is going on on another  
14 computer.

15 Q. You don't know about --

16 A. Is that your question?

17 Q. You don't know about shared files?

18 A. No.

19 Q. You only know that the one computer can  
20 e-mail the other?

21 A. Right.

22 Q. But that can happen with any two computers  
23 in the world pretty much. You can send e-mails to  
24 each other, right.

25 A. Yes.

1 Q. You have used the term organization, you  
2 can share within the organization. What do you --  
3 just so I can understand what you're calling the  
4 organization, what do you mean by that word?

5 A. People employed by Jeffrey Epstein. There are  
6 a few groups of people, his office in New York and I  
7 guess --

8 Q. Who are those people by name that you  
9 would consider within the Jeffrey Epstein  
10 organization?

11 A. His accountant, his --

12 Q. Who is that?

13 A. Bella Klen.

14 Q. What is it?

15 A. Bella Klen. K-l-i-n. E-n, I'm sorry.

16 Q. Bella, B-e-l-l-a?

17 A. Yes.

18 Q. Is that somebody in New York?

19 A. Yes.

20 Q. Is that a male or female?

21 A. Female.

22 Q. And you understand that's his accountant?

23 A. Right.

24 MR. GOLDBERGER: Just to get the spelling  
25 correct is it K-l-e-i-n?



1 THE WITNESS: I don't know.

2 BY MR. EDWARDS:

3 Q. We'll go back to that but I tell you why I  
4 ask. If you don't know then you don't know, but in  
5 the course of Mr. Epstein's -- you're aware that he  
6 did plead guilty to a couple felonies in state  
7 court, right?

8 A. Right.

9 Q. Well, in the course of the negotiation  
10 with the federal government and the U.S. Attorney's  
11 Office, they, the agreement between Mr. Epstein and  
12 the U.S. Attorney's office mentions people that are  
13 called co-conspirators of Epstein. And Leslie Groff  
14 is named as one of those co-conspirators.

15 Do you know what involvement, if any, that  
16 she had with the crimes that were being  
17 investigated?

18 A. No.

19 Q. Okay.

20 A. I am not aware of this.

21 Q. Okay. The other people mentioned as  
22 co-conspirators are Sarah Kellen, Adriana Ross, and  
23 Nadia Marcinkova. So we'll get to them in a minute  
24 but first just so we stay on the track of who was in  
25 the organization, is Sarah Kellen, Adriana Ross and

1       Nadia Marcinkova all people that you would also  
2       consider within the organization?

3             A.    Yes.

4             Q.    Okay.  So, we just added three more names  
5       to it.  Who else would you consider, Ghislaine  
6       Maxwell?

7             A.    Yes.

8             Q.    And who else?

9             A.    Who was working there?

10            Q.    Bella, Richard Kahn, Leslie Groff,  
11       Ghislaine Maxwell, Nadia, Sarah, Adriana.

12            A.    I think Harry was involved with the  
13       accounting.

14            Q.    Okay.

15            A.    I don't recall his last name.

16            Q.    Somebody else involved with the  
17       accounting?

18            A.    Yes.

19            Q.    Okay.  Any of those people that you just  
20       named, were any of those people that you just named  
21       the person that you described as the gentleman that  
22       assisted Adriana in removing the computers from the  
23       house prior to the search warrant being executed?

24            A.    No.  You mean the one who show up to do those  
25       computers?

COMPOSITE  
EXHIBIT 1  
(File Under Seal)

United States District Court  
Southern District of Florida



Virginia L. Giuffre,

Plaintiff,

Case No.: \_\_\_\_\_

Underlying Case No.: 15-cv-07433-RWS

(Southern District of New York) (Sweet, J.)

v.

Jeffrey Epstein,

Defendant.

**PLAINTIFF'S SEALED AGREED MOTION TO FILE MOTION TO COMPEL THE  
PRODUCTION OF DOCUMENTS AND TESTIMONY FROM JEFFREY EPSTEIN  
UNDER SEAL PURSUANT TO LOCAL RULE 5.4(b) AND MOTION TO PLACE THE  
ENTIRE DOCKET UNDER SEAL**

Plaintiff Virginia Giuffre, by and through her undersigned counsel, respectfully submits this Unopposed Motion to file her Motion to Compel the Production of Documents and Testimony from Jeffrey Epstein under Seal Pursuant to Local Rule 5.4(b) and Motion to Place the Entire Docket Under Seal, and hereby states as follows.

**I. FACTUAL BACKGROUND**

The motion to compel seeks to compel production pursuant to a valid Rule 45 subpoena issued to Jeffrey Epstein in the above-styled case, pending in the Southern District of New York (the "New York case"). The case concerns a defamation action brought by a child victim of convicted pedophile Jeffrey Epstein against his live-in girlfriend who assisted him in procuring underage girls, including the plaintiff, Ms. Giuffre. Because of Epstein's central role in the New York case, it is important for Ms. Giuffre to have the requested documents from him in discovery.

United States District Court  
Southern District of Florida



Virginia L. Giuffre,

Plaintiff,

Case No.: \_\_\_\_\_

Underlying Case No.: 15-cv-07433-RWS

(Southern District of New York) (Sweet, J.)

v.

Jeffrey Epstein,

Defendant.

PLAINTIFF'S SEALED AGREED MOTION TO FILE MOTION TO COMPEL THE  
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During his deposition, Epstein failed to answer questions or produce documents in response to a Rule 45 subpoena in the New York case. The instant motion seeks to compel production from Epstein in three areas, detailed more fully in the Motion to Compel, based on his improper invocation of the Fifth Amendment in refusing to comply with the subpoena. Epstein's invocation of the Fifth Amendment was invalid for several reasons, as discussed in detail in the Motion to Compel. One of those reasons, however, goes to the instant request to file the motion to compel under seal and to place the docket under seal. It should be noted that the entire deposition of Epstein is confidential, having been placed under the confidentiality order that exists in the case.

## II. LEGAL ARGUMENT

The parties agree this case should be placed under seal because of the need for confidentiality. There is no valid invocation of the Fifth Amendment when there is no threat to self-incrimination, and there can be no threat to self-incrimination if the government is not aware of the information Ms. Giuffre seeks pursuant to her valid Rule 45 subpoena. Because Ms. Giuffre seeks to have *all* of the relevant proceedings to her motion to compel - including the motion itself - be placed under seal at this time, the Government will not be aware of Epstein's disclosure of materials, much less be in position to even file a motion to attempt alter the protective order. In such circumstances, Epstein faces no "real and substantial hazard" of his act of producing documents to Ms. Giuffre's counsel incriminating himself. *See United States v. Kowalik*, 809 F. Supp. 1571, 1577 (S.D. Fla. 1992), *aff'd*, 12 F.3d 218 (11th Cir. 1993), and *aff'd*, 12 F.3d 218 (11th Cir. 1993). Accordingly, by placing this case under seal, this Court can grant Ms. Giuffre's motion to compel and direct Epstein to produce the relevant documents over his

improper Fifth Amendment objections because there is no risk of incrimination because these proceedings will be under seal.

Moreover, under the Protective Order issued by the New York case, Ms. Giuffre's counsel (and counsel for Ms. Maxwell,<sup>1</sup> the Defendant in the New York case) are forbidden to disclose the materials for "any purpose except the preparation and trial of this case." Protective Order, ¶ 4. Under the terms of the protective order, all materials secured in the case will be destroyed at the end of the case. Protective Order, ¶ 12. And while the Protective Order does not bar the use of confidential materials at trial, Protective Order ¶ 13, Ms. Giuffre's counsel represent that they will not use at trial any documents that Epstein produces without first notifying Epstein and seeking leave of Court to do so. As a result, Epstein can provide documents to Ms. Giuffre, allowing her to investigate this case without compromising any interest that Epstein may have in avoiding self-incrimination.

Additionally, the entire deposition has already been designated as "confidential" by defendant Maxwell, making these proceedings subject to a protective order. *See* Motion to Compel at Addendum A (copy of protective order). To enforce that previously-entered confidentiality order from the Southern District of New York, these proceedings should be confidential as well. Moreover, in such circumstances, there is no substantial risk of incrimination from the mere production of documents to Ms. Giuffre's counsel, who are subject to the protective order. *See generally* Marc Youngelson, *The Use of 26(c) Protective Orders: "Pleading the Fifth" Without Suffering "Adverse" Consequences*, 1994 Ann. Surv. Am. L. 245 (1995); *see also Palmieri v. State of New York*, 779 F.2d 861 (2d Cir. 1985).

---

<sup>1</sup> It may be relevant to note that defendant Maxwell has not sought any documents from Epstein, and thus the only issue presented here is the extent to which Ms. Giuffre can use the documents.



Federal Rule of Civil Procedure 26 authorizes a court, for good cause, to enter a protective order to seal or to limit disclosure. Indeed, courts have the discretion to place entire cases under seal. *See e.g. Beaches MLS, Inc. v. Miami Association of Realtors, Inc.*, 2015 WL 11170925, at \*3 (S.D.Fla. 2015) (Marra, J.) (granting motion to file under seal and sealing the case). Local Rule 5.4(b) provides the procedure to follow when a party seeks to file something under seal: the party must file a motion, “setting forth a reasonable basis for departing from the general policy of a public filing,” and courts in this district routinely grant parties’ motions to file under seal for good cause. *See e.g. Shire Development LLC v. Watson Pharmaceuticals, Inc.*, 932 F.Supp.2d 1349, 1359 (S.D.Fla. 2013) (Middlebrooks, J.); *Air Turbine Technology, Inc. v. Atlas Copco AB*, 2003 WL 22939256, at \*1 (S.D.Fla. 2003) (Marra, J.).

Ms. Giuffre has articulated good cause to grant her motion to file under seal and to seal this case, as it would facilitate the execution of a valid Rule 45 subpoena issued upon Jeffrey Epstein and follow the confidentiality order previously entered in this case by the U.S. District Court for the Southern District of New York. Counsel for Ms. Giuffre has conferred with counsel for Epstein, and counsel for Epstein has agreed to the filing of the Motion to Compel under seal.

### III. CONCLUSION

For the reasons set forth above, plaintiff, Virginia Giuffre, respectfully requests that the Court grant her Agreed Motion to file her Motion to Compel the Production of Documents and Testimony from Jeffrey Epstein under Seal Pursuant to Local Rule 5.4(b) and Motion to Place the Entire Docket Under Seal for the reasons set forth above.

Dated: September 20, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: 

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 20th day of September, 2016, I served the foregoing document this day on the individuals identified below via email:

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\_\_\_\_\_  
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JS 44 (Rev. 07/16) FLSD Revised 07/01/2016

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS Virginia L. Giuffre

DEFENDANTS Jeffrey Epstein

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Palm Beach

(IN U.S. PLAINTIFF CASES ONLY)

NOTE:

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Sigrid S. McCawley, Esq., Boies, Schiller & Flexner, LLP, 401 E. Las  
Olas Blvd., #1200, Ft. Lauderdale, FL 33301 954-356-0011Jack Alan Goldberger, Esq., Atterbury, Goldberger & Weiss, PA, 250  
Australian Ave So., #1400, W. Palm Beach, FL 33401 561-659-8305(d) Check County Where Action Arose: ☐ MIAMI-DADE ☐ MONROE ☐ BROWARD ☒ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE ☐ HIGHLANDS

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | PTF                                   | DEF                                   | PTF                        | DEF                        |
|---------------------------------------|---------------------------------------|----------------------------|----------------------------|
| <input type="checkbox"/> 1            | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2            | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

- | CONTRACT                                                                          | TORTS                                                           | FORFEITURE/PENALTY                                                       | BANKRUPTCY                                         | OTHER STATUTES                                                                                |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 110 Insurance                                            | <input type="checkbox"/> 310 Airplane                           | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 422 Appeal 28 USC 158     | <input type="checkbox"/> 375 False Claims Act                                                 |
| <input type="checkbox"/> 120 Marine                                               | <input type="checkbox"/> 315 Airplane Product Liability         | <input type="checkbox"/> 690 Other                                       | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a))                                        |
| <input type="checkbox"/> 130 Miller Act                                           | <input type="checkbox"/> 320 Assault, Libel & Slander           |                                                                          |                                                    | <input type="checkbox"/> 400 State Reapportionment                                            |
| <input type="checkbox"/> 140 Negotiable Instrument                                | <input type="checkbox"/> 330 Federal Employers' Liability       |                                                                          |                                                    | <input type="checkbox"/> 410 Antitrust                                                        |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment    | <input type="checkbox"/> 340 Marine                             |                                                                          |                                                    | <input type="checkbox"/> 430 Banks and Banking                                                |
| <input type="checkbox"/> 151 Medicare Act                                         | <input type="checkbox"/> 345 Marine Product Liability           |                                                                          |                                                    | <input type="checkbox"/> 450 Commerce                                                         |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle                      |                                                                          |                                                    | <input type="checkbox"/> 460 Deportation                                                      |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits        | <input type="checkbox"/> 355 Motor Vehicle Product Liability    |                                                                          |                                                    | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations                   |
| <input type="checkbox"/> 160 Stockholders' Suits                                  | <input type="checkbox"/> 360 Other Personal Injury              |                                                                          |                                                    | <input type="checkbox"/> 480 Consumer Credit                                                  |
| <input type="checkbox"/> 190 Other Contract                                       | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice |                                                                          |                                                    | <input type="checkbox"/> 490 Cable/Sat TV                                                     |
| <input type="checkbox"/> 195 Contract Product Liability                           |                                                                 |                                                                          |                                                    | <input type="checkbox"/> 850 Securities/Commodities/Exchange                                  |
| <input type="checkbox"/> 196 Franchise                                            |                                                                 |                                                                          |                                                    | <input type="checkbox"/> 890 Other Statutory Actions                                          |
|                                                                                   |                                                                 |                                                                          |                                                    | <input type="checkbox"/> 891 Agricultural Acts                                                |
|                                                                                   |                                                                 |                                                                          |                                                    | <input type="checkbox"/> 893 Environmental Matters                                            |
|                                                                                   |                                                                 |                                                                          |                                                    | <input type="checkbox"/> 895 Freedom of Information Act                                       |
|                                                                                   |                                                                 |                                                                          |                                                    | <input type="checkbox"/> 896 Arbitration                                                      |
|                                                                                   |                                                                 |                                                                          |                                                    | <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision |
|                                                                                   |                                                                 |                                                                          |                                                    | <input type="checkbox"/> 950 Constitutionality of State Statutes                              |

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Re-filed (See VI below)
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation Transfer
- ☐ 7 Appeal to District Judge from Magistrate Judgment
- ☐ 8 Multidistrict Litigation - Direct File
- ☐ 9 Remanded from Appellate Court

## VI. RELATED/RE-FILED CASE(S)

(See instructions): a) Re-filed Case ☐ YES ☐ NOb) Related Cases ☒ YES ☐ NO

JUDGE: Kenneth A. Marra

DOCKET NUMBER: 9:08-CV-80736-KAM

## VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

Miscellaneous Action to Enforce Rule 45 Subpoena

LENGTH OF TRIAL via days estimated (for both sides to try entire case)

## VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

ABOVE INFORMATION IS TRUE &amp; CORRECT TO THE BEST OF MY KNOWLEDGE

DATE

September 20, 2016

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY  
RECEIPT #

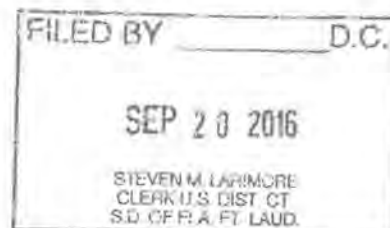
AMOUNT

IFP

JUDGE

MAG JUDGE

United States District Court  
Southern District of Florida



Virginia L. Giuffre,

Plaintiff,

Case No.: \_\_\_\_\_

Underlying Case No.: 15-cv-07433-RWS

(Southern District of New York) (Sweet, J.)

v.

Jeffrey Epstein,

Defendant.

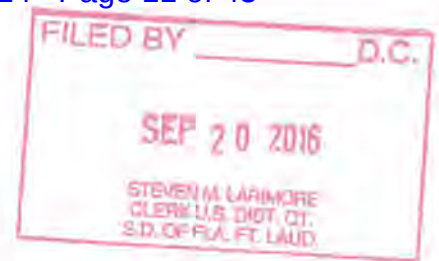
**PLAINTIFF'S SEALED MOTION TO COMPEL THE PRODUCTION OF  
DOCUMENTS AND TESTIMONY FROM JEFFREY EPSTEIN**

Plaintiff Virginia Giuffre, by and through her undersigned counsel, respectfully submits this motion to compel Jeffrey Epstein to produce documents and testimony in response to his repeated invocations of the Fifth Amendment at his recent deposition.

This motion seeks to compel production from Epstein in three areas. First, at his deposition, Epstein asserted that the Fifth Amendment allowed him to decline to produce any documents whatsoever. Epstein has the burden of demonstrating the applicability of the Fifth Amendment privilege, and he cannot carry that burden. He should be required to produce documents or, at the very least, a privilege log so that the Court (and opposing counsel) can assess the validity of his claims.

Second, Epstein was asked approximately 500 hundred substantive questions at his deposition, and he took the Fifth rather than answer even a single one of them (other than the question about his name). Some of the questions he refused to answer pose no substantial risk of





United States District Court  
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Second, Epstein was asked approximately 500 hundred substantive questions at his deposition, and he took the Fifth rather than answer even a single one of them (other than the question about his name). Some of the questions he refused to answer pose no substantial risk of

incrimination. He should be ordered to answer these specific questions, which are enumerated in Section II, below.

Third, Epstein also took the Fifth when asked questions about Ghislaine Maxwell's interactions with females overseas. Maxwell was Epstein's live-in girlfriend who assisted him in procuring underage girls. The Supreme Court has made clear that a Fifth Amendment privilege cannot be asserted with respect to incrimination in a foreign crime. And certainly Epstein has no Fifth Amendment privilege involving sex crimes committed by another person. Epstein should be ordered to answer specific questions identified in Section III, below about Maxwell's actions in foreign countries.

### FACTUAL BACKGROUND

1. Ms. Giuffre has filed a defamation action in the Southern District of New York against Ghislaine Maxwell. In brief, Ms. Giuffre alleges that defendant Ms. Ghislaine Maxwell defamed her by calling her a "liar" for filing documents alleging that Maxwell and her boyfriend, Jeffrey Epstein, had sexually abused her and trafficked her for sexual purposes. *See* McCawley Decl., Exhibit 1 (complaint in *Giuffre v. Maxwell*).

2. As discovery in this case has proceeded, Defendant initially suggested she would take the Fifth and refuse to answer questions. During her deposition, however, Defendant did not take the Fifth. Instead, she testified that she suffered from a series of memory lapses and could not recall many of the key issues in dispute in this case. For example, at her deposition, Defendant indicated that she lacked recollection of or was otherwise unable to specifically answer the following questions:<sup>1</sup>

- Whether Defendant observed a female under the age of 18 at Jeffrey Epstein's home in Palm Beach. *See* McCawley Decl., Ex. 2 (Maxwell Depo.) at 29;

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<sup>1</sup> Maxwell has designated the entire contents of her deposition as confidential pursuant to the Protective Order entered in that case, and, therefore, the contents must be filed under seal.



- Whether Defendant had meet Ms. Giuffre and introduced her to Epstein. *Id.* at 33;
- Whether massage therapists at Epstein's mansions performed sexual acts. *Id.* at 52-54.
- Whether Defendant was ever present to view Ms. Giuffre massaging Epstein. *Id.* at 75;
- Whether Defendant could recall Ms. Giuffre staying at any of Epstein's six homes. *Id.* at 81.
- Whether Defendant remembered taking a trip with Ms. Giuffre to travel over to Europe, including London. *Id.* at 108.
- Whether Defendant ever flew on one of Epstein's planes with a 17 year old. *Id.* at 121-22.
- Whether the notation "GM" on flight logs for passengers on Epstein's planes represented the Defendant (*i.e.*, Ghislaine Maxwell). *Id.* at 122-23.
- Whether Defendant could recall ever being on a flight on one of Epstein's planes with Ms. Giuffre. *Id.* at 132-33.
- Whether Defendant could explain why a minor would be calling Epstein to say they had a female for him. *Id.* at 164.
- Whether Defendant was aware of any interstate or international transportation of women, aged 18 to 28, for purposes of having sex with Epstein where they would receive compensation. *Id.* at 278-79.
- Whether Defendant could recall interacting with anyone, other than Ms. Giuffre, under the age of 18 on any of Epstein's properties. *Id.* at 384.

See McCawley Decl. at Exhibit 2.

3. As this Court is aware from another pending case, Epstein is a registered sex offender who entered into a non-prosecution agreement (NPA), barring his prosecution for federal crime for his sexual abuse of Ms. Giuffre and multiple other victims. Several of Epstein's sexual abuse victims have filed a suit alleging that they were not properly notified of

the NPA and the associated guilty plea that Epstein entered. The victims allege that Epstein sexually abused them and that the Government violated their rights under the Crime Victims' Rights Act (CVRA), 18 U.S.C. 3771, by not conferring with them about the deal that the Government reached with Epstein on that sex abuse. The case is currently pending. *See Jane Does v. United States*, No. 9:08-c-v-80736, DE 361 (S.D. Fla.).

4. Because of Epstein's central role in the sexual abuse of Ms. Giuffre, Ms. Giuffre has long been attempting to depose him in the action. Epstein, who is generally regarded as having vast financial resources, evaded those efforts to be served. Accordingly, on May 25, 2016, Ms. Giuffre sought leave to serve Epstein by alternative means. *Giuffre v. Maxwell*, No. 1:15-cv-07433, DE 160 (S.D.N.Y.). Shortly thereafter, Epstein agreed through counsel to voluntarily appear for a deposition.

5. On August 25, 2016, Ms. Giuffre served a subpoena on Epstein through his counsel. *See McCawley Decl.*, Exhibit 3 (Epstein subpoena). The document sought production of 22 categories of documents directly linked to the underlying lawsuit. For example, request for production ("RFP") 1 sought all photographs of Epstein in the presence of either Ms. Giuffre or Ms. Maxwell. RFP 6 sought Epstein's documents relating to Ms. Giuffre. RFP 7 sought Epstein's documents relating to Ms. Maxwell. The subpoena requested Epstein make the production of documents within the Southern District of Florida

6. On September 2, 2016, Epstein's legal counsel sent a letter to Ms. Giuffre's legal counsel raising various objections to production of documents, including a Fifth Amendment privilege. *See McCawley Decl.*, Exhibit 4 (Goldberger letter). (Because the letter was sent via conventional mail, counsel did not receive it until September 8, 2016.)

7. On September 9, 2016, Epstein appeared pursuant to the subpoena and was deposed. *See* McCawley Dec., Exhibit 5 (transcript of Epstein's deposition). The deposition took place in West Palm Beach, Florida.

8. After Epstein was sworn in, he invoked his Fifth Amendment right on every single substantive question he was asked, except the question asking his name. He was asked approximately 500 substantive questions by counsel for Ms. Giuffre and approximately 100 substantive questions by counsel for defendant Maxwell. He did not answer a single one.<sup>2</sup>

9. Counsel for Ms. Giuffre attempted to confer with Epstein's counsel regarding the basis for the privilege objections, but Epstein's counsel declined to elaborate. Epstein Depo. Tr. at 10.

10. With regard to the subpoena producing documents, Epstein took the Fifth rather than answer questions about whether he had substantial financial resources that could minimize any burden in responding to the document production request. *Id.* at 164:22-25.

11. With regard to producing document, Epstein and his lawyers asserted a Fifth Amendment privilege:

Q. Did you bring any documents with you today pursuant to this subpoena?

A. Fifth.

MR. WEINBERG [counsel for Epstein]: We would assert the Fifth Amendment as well as the act of production for the protections against responding to that question or producing any documents, relying on the Supreme Court decision in *Hubble*, the second circuit August 1st decision in *Greenfield*.

Q. MR. CASSELL: Understood. I'll assume you have a standing objection based on the grounds that you just described to all my questions with regard to this subpoena?

---

<sup>2</sup> Maxwell has designated the entire contents of Epstein's deposition as confidential pursuant to the Protective Order entered in that case, and, therefore, the contents must be filed under seal.



MR. GOLDBERGER: Just so we're clear, the Fifth Amendment objection as to act of production is going to apply to everything that --

MR. CASSELL: Yeah. We disagree. You have an Fifth Amendment and act of production.

BY MR. CASSELL:

Q. You have made no effort to collect any of the documents requested here, right? . . .<sup>3</sup>

THE WITNESS: Fifth Amendment.

BY MR. CASSELL:

Q. In of the last three weeks you made no search at all for the 22 categories of documents requested here, right? . . .

THE WITNESS: Fifth.

BY MR. CASSELL:

Q. Where are the documents requested by these 22 requested categories?

A. Fifth.

Q. You have not produced a privilege log for these items, have you?

A. Fifth.

Q. It would not be burdensome for you to search for any of these documents, would it? . . .

THE WITNESS: Fifth.

BY MR. CASSELL:

Q. It would be quite simple for you[] to run search terms, such as Virginia, through your e-mail accounts, right? . . .

THE WITNESS: Fifth.

BY MR. CASSELL:

Q. And you have plenty of money to fund any of the searches that would be required to produce these documents, right? . . .

---

<sup>3</sup> Defense counsel for Ms. Maxwell raised various "form and foundation" objections to these questions, which are omitted for purposes of this motion, which seeks to compel actions by Epstein, not Maxwell.

THE WITNESS: Fifth.

*Id.* at 226-29.

12. Epstein was also asked specific questions with regard to his failure to produce certain records, such as telephone records regarding his communications with Maxwell. Epstein also took the Fifth rather than answer any such question. *Id.* at 229-30.

13. Epstein was also asked various questions about Maxwell's interactions with females overseas. In particular, he was asked about actions in England (*id.* at 140-47), France (*id.* at 152-54), Thailand (*id.* at 154-57), Brunei (*id.* at 157-59), the Czech Republic (and former Czechoslovakia) (*id.* at 159-63), and other foreign countries (*id.* at 163-64). Epstein refused to answer any of these questions. In latter questioning, Epstein took the Fifth rather than admit that part of his basis for asserting the Fifth Amendment privilege was fear of foreign prosecutions. *Id.* at 343.

14. Ms. Giuffre now files the motion to compel production of the documents pursuant to her duly-issued subpoena.

### **LEGAL STANDARDS**

Under Federal Rule of Civil Procedure 45, a party may request any person to appear for a deposition to answer questions and to produce documents within his possession. Under Fed. R. Civ. P. 45(d)(2)(B), a person who objects to production can lodge an objection. At that point, the party seeking production can move for an order compelling production of the documents, Fed. R. Civ. P. 45(d)(2)(B)(i), which is the step that Ms. Giuffre is now taking. The motion for production of documents must be filed in the Court where production is required – *i.e.*, in this Court. Similarly, with regard to production of testimony, a party seeking discovery can move for

an order requiring disclosure. Fed. R. Civ. P. 37(a)(1). The motion must also be made in the Court where the discovery is to be taken – *i.e.*, in this Court. Fed. R. Civ. P. 37(a)(1).

A party contending that a subpoena should be quashed pursuant to Rule 45(c) (3)(A)(iv) must demonstrate that compliance with the subpoena would be unduly burdensome.” *Bridgeport Music Inc. v. UMG Recordings, Inc.*, No. 05CIV.6430(VM)(JCF), 2007 WL 4410405, at \*1 (S.D.N.Y. Dec. 17, 2007). In addition, a party asserting that he is privileged not to produce a document has the burden of establishing that privilege. *See MapleWood Partners, L.P. v. Indian Harbor Ins. Co.*, 295 F.R.D. 550, 583 (S.D. Fla. 2013) (applying Florida law) (“the burden of demonstrating that a privilege applies to a particular communication . . . is on the proponent of the privilege”); *United States v. Bright*, 596 F.3d 683, 691 (9th Cir. 2010) (witness asserting Fifth Amendment privilege “bears the burden of showing testimony or documents are privileged”).

While Epstein can assert a Fifth Amendment privilege in this civil case, “it is not for the witness to determine whether the answers are protected; it is a decision left to the sound discretion of the trial court after considering the circumstances of the case. [T]o assert the privilege there must be a “substantial and ‘real’ ” threat of incrimination and not one that is “merely trifling or imaginary.” *Taubert v. State, Office of Atty. Gen.*, 79 So. 3d 77, 81 (Fla. Dist. Ct. App. 2011) (citing *Marchetti v. United States*, 390 U.S. 39, 53 (1968); *State v. Mitrani*, 19 So.3d 1065, 1068 (Fla. 5th DCA 2009) (other internal citations omitted)). After Epstein explains the basis for his invocation, and Ms. Giuffre responds, this Court then makes findings on a question-by-question basis. *See, e.g., Capitol Prod. Corp. v. Hernon*, 457 F.2d 541, 544 (8th Cir. 1972) (“To protect the right of both parties and assure satisfactory review, the court should



clearly state the basis on which it sustains or rejects the defendant's objection to a particular question.”).

Because this case is a diversity action state law generally provides the rule of decision for substantive privilege issues. *See Giuffre v. Maxwell*, DE 135 at 6, 2016 WL 175918 at \* 6 (applying New York privilege law) (*citing Allied Irish Banks v. Bank of Am., N.A.*, 240 F.R.D. 96, 102 (S.D.N.Y. 2007) (“Because this Court’s subject matter jurisdiction is based upon diversity . . . state law provides the rule of decision concerning the claim of attorney-client privilege.”)). In this case, Epstein’s inability to provide a basis for Fifth Amendment invocations does not turn on peculiarities of the law of any one jurisdiction, and thus authorities from various jurisdictions are cited interchangeably.

### ARGUMENT

#### **I. EPSTEIN SHOULD BE COMPELLED TO PRODUCE THE REQUESTED DOCUMENTS.**

##### **A. It is Not Unduly Burdensome for Epstein to Produce the Requested Documents.**

If Epstein wishes to establish undue burdensomeness in producing documents, it is his burden to carry. As recounted above, however, Epstein has refused to answer questions regarding undue burdensomeness. *See* Statement of Fact, at ¶ 10. Presumably this is because his vast wealth would make it difficult from him to prove that point.

In any event, even were Epstein to attempt to show undue burdensomeness, he could not establish that any burden is “undue.” Epstein is a central figure in this case – the most central figure, apart from the two parties, the plaintiff and the defendant. And the defendant is feigning memory loss over many of the most significant events in this case – including many events that involved Epstein. Because of his central role in the case, it is important for Ms. Giuffre to have the requested documents from him. No undue burden exists.



**B. Epstein Cannot Assert a Fifth Amendment Privilege in the Documents Themselves.**

As reflected in the transcript quoted above, Epstein asserted both a Fifth Amendment privilege not to produce the documents as well as a Fifth Amendment act-of-production privilege. The act of production issues will be addressed in the next section below. But Epstein's Fifth Amendment objection is frivolous.

The contents of pre-existing documents are not protected by the Fifth Amendment. The Fifth Amendment only protects a witness against *testifying* about certain events, not producing documents already in his position. In his deposition, Epstein's legal counsel referenced two cases: *United States v. Hubbell*, 530 U.S. 27 (2000); and *United States v. Greenfield*, --- F.3d ---, 2016 WL 4073250 (2d Cir. Aug. 2, 2016). But as both of those cases make clear, a defendant does not have a Fifth Amendment privilege to refuse to produce documents (as opposed to the privilege that does exist to refuse to give testimony verbally). The Supreme Court in *Hubbell* specifically noted "the settled proposition that a person may be required to produce specific documents even though they contain incriminating assertions of fact or belief because the creation of those documents was not 'compelled' within the meaning of the [Fifth Amendment] privilege." *Hubbell*, 530 U.S. at 35–36 (citing *Fisher v. United States*, 425 U.S. 391 (1976)). Similarly, the Second Circuit in *Greenfield*, following the Supreme Court's lead, held that "the contents of the records [do] not implicate the Fifth Amendment." --- F.3d ---, 2016 WL 4073250 at \*5 (reviewing *Fisher*, 425 U.S. at 409-10). See also *Braswell v. United States*, 487 U.S. 99, 102 (1988) ("There is no question but that the contents of subpoenaed business records are not privileged."); *United States v. Doe*, 465 U.S. 605, 612 n. 10 (1984) ("If the party asserting the Fifth Amendment privilege has voluntarily compiled the document, no compulsion is present and the contents of the document are not privileged.").

In light of these controlling authorities, Epstein cannot rely on a Fifth Amendment self-incrimination argument to withhold the documents.

**C. Epstein Cannot Assert an Act of Production Privilege to Refuse to Produce the Documents to Ms. Giuffre.**

Epstein cannot demonstrate that the act of producing documents is incriminating for two separate and independent reasons. First, he will not be producing anything publicly or to the Government, but only confidentially to Ms. Giuffre – a private party. Because any such production will be confidential and pursuant to a protective order, Epstein faces no substantial threat of prosecution from making the disclosure. Second, Epstein’s act of production (as opposed to the documents themselves) is not incriminating.

1. Producing Documents Confidentially to a Private Party Under a Protective Order Does Not Create a Substantial Risk of Incrimination.

During his deposition, Epstein cited two cases as supporting his Fifth Amendment invocations: *United States v. Hubbell*, 530 U.S. 27 (2000); and *United States v. Greenfield*, \_\_\_ F.3d \_\_\_, 2016 WL 4073250 (2d Cir. Aug. 2, 2016). But as even a cursory review of the case captions in those cases makes clear, both of those cases involved litigation in which *the Government* was attempting to force a witness to disclose information *to it*. In *Hubbell*, the issue was whether the Government could issue a subpoena to force a witness to turn over documents to a grand jury investigating criminal charges. 530 U.S. at 30-31. In *Greenfield*, the issue was similarly whether the Government (specifically the Internal Revenue Service or IRS) could force a taxpayer to turn over records demonstrating possible tax evasion to it.

Here, no such disclosure to the Government will occur if Epstein is compelled to provide answers to Ms. Giuffre’s questions. Moreover, the entire deposition has already been designated as “confidential” by defendant Maxwell, making the proceedings subject to a protective order. *See* Addendum A (copy of protective order). In such circumstances, there is no substantial risk



of incrimination from the mere production of documents to Ms. Giuffre's counsel. *See generally* Marc Youngelson, *The Use of 26(c) Protective Orders: "Pleading the Fifth" Without Suffering "Adverse" Consequences*, 1994 Ann. Surv. Am. L. 245 (1995); *see also Palmieri v. State of New York*, 779 F.2d 861 (2d Cir. 1985).

Pursuant to the protective order, Ms. Giuffre's counsel (and Ms. Maxwell's counsel<sup>4</sup>) are forbidden to disclose the materials for "any purpose except the preparation and trial of this case." Protective Order, ¶ 4. Under the terms of the protective order, all materials secured in the case will be destroyed at the end of the case. Protective Order, ¶ 12. And while the Protective Order does not bar the use of confidential materials at trial, Protective Order ¶ 13, Ms. Giuffre's counsel represent that they will not use at trial any documents that Epstein produces without first notifying Epstein and seeking leave of Court to do so. As a result, Epstein can provide documents to Ms. Giuffre, allowing her to investigate this case without compromising any interest that Epstein may have in avoiding self-incrimination. And most important, because *all* of the relevant proceedings to this motion – including this motion itself – are under seal at this time, the Government will not even be aware of Epstein's disclosure of materials, much less be in position to even file a motion to attempt alter the protective order. In such circumstances, Epstein faces no "real and substantial hazard" of his act of producing documents to Ms. Giuffre's counsel incriminating himself. *United States v. Kowalik*, 809 F. Supp. 1571, 1577 (S.D. Fla. 1992), *aff'd*, 12 F.3d 218 (11th Cir. 1993), and *aff'd*, 12 F.3d 218 (11th Cir. 1993).

2. Epstein's Mere Act of Producing Documents Does Not Incriminate Himself.

Epstein's act of producing documents to Ms. Giuffre's counsel will not only be unknown to the Government, but it is, in any event, not incriminating. It bears emphasizing – again – that

<sup>4</sup> It may be relevant to note that defendant Maxwell has not sought any documents from Epstein, and thus the only issue presented here is the extent to which Ms. Giuffre can use the documents.

the only possible claim Epstein can raise is not that the document he possesses are in some sense incriminating, but only that the act of producing those documents is incriminating. *See United States v. Doe*, 465 U.S. 605, \_\_ (1984) (O'Connor, J., concurring) (“the Fifth Amendment provides absolutely no protection for the contents of private papers of any kind.”); *United States v. Hubbell*, 530 U.S. 27, 35–36 (2000) (noting that it is a “settled proposition that a person may be required to produce specific documents even though they contain incriminating assertions of fact or belief because the creation of those documents was not ‘compelled’ within the meaning of the privilege”); *Sallah v. Worldwide Clearing LLC*, 855 F. Supp. 2d 1364, 1371 (S.D. Fla. 2012) (“Where documents are voluntarily prepared before they are requested, for example, the Supreme Court has held that such documents do not contain ‘compelled testimonial evidence’ within the meaning of the Fifth Amendment, even if the contents are incriminating.”). The so-called “act of production doctrine” extends protection only to “communicative elements” of production, specifically where compliance with a subpoena could disclose to the Government incriminating information about “(1) the existence of the documents; (2) the [witness’s] possession or control of the documents; and (3) the authenticity of the documents.” *United States v. Greenfield*, 2016 WL 4073250 at \*5 (citing *Fisher v. United States*, 425 U.S. 391, 411 (1976)).

Once again, Epstein will not be making any act of production to the Government. And, in any event, for many documents of the subpoenaed documents, no plausible claim of act-of-production testimony and incrimination<sup>5</sup> are possible. While Ms. Giuffre will respond to any effort that Epstein makes to carry *his* burden of establishing his privilege, a few simple

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<sup>5</sup> Under the act of production doctrine, Epstein bears the burden of showing *both* that the production is incriminating and the testimony is incriminating.



illustrations will demonstrate that Epstein's claim that he need not produce even a single document is vastly overbroad.

*a. Records Reflecting Communications with Maxwell*

One simple example is the request for records reflecting communications between Epstein and defendant Maxwell, including cellular telephone records. *See* Subpoena, ¶¶ 7, 13. Cell phone records, which would obviously have been sent to Epstein by his carrier, can be easily authenticated by people other than Epstein – including representatives of the carrier or others knowledgeable in cell phone records. *See Sallah*, 855 F. Supp. 2d at 1374 (requiring production of contracts because “any contracts could be authenticated by someone other than [the person invoking the Fifth Amendment]”). As a result, such records are the kind of regularly-sent business records for which act of production claims are regularly rejected. *See Greenfield*, 2016 WL 4073250 at \*11 (noting that “large commercial financial institutions . . . naturally would have sent regular account statements and other disclosures to account holders . . .”) (citing *United States v. Norwood*, 420 F.3d 888, 895-96 (8<sup>th</sup> Cir. 2005) (allowing production of documents “possessed by the owners of financial accounts as a matter of course” associated with specific identified accounts)); *see Matter of Grand Jury Subpoenas Dated Oct. 22, 1991, & Nov. 1, 1991*, 959 F.2d 1158, 1165 (2d Cir. 1992) (“the act of producing copies of the telephone company statements and bills would not cause Doe to incriminate himself”).

*b. Bank Records Reflecting Payments*

Another similar example is the request for financial records involving payments made to defendant Maxwell. *See* Subpoena, ¶ 21. Here again, the simple act of producing the bank records involved in such payments cannot be recorded as either testimonial or incriminating. This is a case where it can be shown “with reasonable particularity that, at the time that the act of production was sought to be compelled, . . . the materials were already known of, thereby

making any testimonial aspect [of the production] a “foregone conclusion.”” *Sallah v. Worldwide Clearing LLC*, 855 F. Supp. 2d 1364, 1372 (S.D. Fla. 2012) (quoting *In re Grand Jury Subpoena Duces Tecum Dated March 25, 2011*, 670 F.3d 1335, 1346 (11th Cir.2012) (some internal citations omitted). Indeed, this Court has recently required the production of bank records over a Fifth Amendment objections. *See Sallah*, 855 F.Supp.2d at 1375 (“The Fifth Amendment does not shield [the witness’s] act of production in response to this request [seeking monthly bank account records].”). Moreover, because the documents involve payments to one specifically identified person – *i.e.*, Maxwell – the request calls for Epstein to produce “an objectively determinable universe[] of documents and do[es] not require [him] to employ the contents of his mind to choose what documents might be responsive to the requests. *Sallah*, 855 F.Supp.2d at 1373 (internal quotations omitted).

*c. Photographs Depicted Nude Females*

Epstein also lacks any self-incrimination claim for failing to produce photographs of nude or partially nude females. *See Subpoena*, ¶ 5.<sup>6</sup> A photograph obviously does not involve testimony. And the authenticity of photographs can be established in different ways not involving Epstein. For example, if a photograph fairly and accurately depicts Ms. Giuffre, she herself could authenticate the photograph.

3. Epstein Must, at a Minimum, Produce a Privilege Log.

These examples of documents that could be produced without risk of incrimination could be easily multiplied – and Ms. Giuffre, by filing this motion, seeks to compel Epstein to respond to all 22 of her document requests. But in considering Fifth Amendment issues, a broader point

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<sup>6</sup> If Epstein possesses particular photographs that are “child pornography,” then production of those particular photographs could itself be incriminating. However, child pornography is narrowly defined as images of a minor “engaging in sexually explicit conduct.” *See* 18 U.S.C. 2256(8)(A). Ms. Giuffre is not seeking the production of any such contraband materials from Epstein.



becomes relevant. Epstein does not appear to have even bothered to first collect responsive documents before asserting a Fifth Amendment claim. For example, during his deposition, Epstein took the Fifth rather than answer a question about whether he had produced a privilege log. Epstein Depo. Tr. at 228.

Under the Federal Rules of Civil Procedure, Epstein is required to produce a privilege log for the communications he is withholding. Fed. R. Civ. P. 45(e)(2)(A) provides that “[a] person withholding subpoenaed information under a claim that it is privileged . . . must describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.” Epstein should have provided this log at the time of his deposition so that he could be questioned about it. He certainly should produce a log immediately, if he hopes to sustain his claim.

The “general rule” in this Court is that a “blanket refusal to produce records or to testify is simply insufficient to support a Fifth Amendment claim.” *United States v. Kowalik*, 809 F. Supp. 1571, 1577 (S.D. Fla. 1992), *aff’d*, 12 F.3d 218 (11th Cir. 1993), and *aff’d*, 12 F.3d 218 (11th Cir. 1993). Instead, a witness who has been subpoenaed to produce documents “must present himself with his records for questioning, and as to each question and each record elect to raise or not to raise the defense.” *Id.* (discussing taxpayer’s refusal to respond to IRS summons). In addition, the Court’s local rules require the production of a privilege log whenever materials are withheld on the basis of privilege. *See* Local 26.1(e)(2)(C) (“This rule requires preparation of a privilege log with respect to all documents, electronically stored information, things and oral communications withheld on the basis of a claim of privilege . . . except [attorney-client communications or work product materials created after the lawsuit].”).



Epstein was served with a subpoena from the U.S. District Court for the Southern District of New York. That Court also requires production of a privilege log at the time of any objection to a subpoena. As that Court has explained:

Both Fed. R. Civ. P. 26(b)(5) and 45(c) and S.D.N.Y. Civ. R. 26.2 require the submission of a privilege log where a person served with a document request or subpoena objects to the production of requested documents on the ground of privilege. Rule 26(b)(5) does not explicitly state exactly when the privilege log must be provided. Rule 45 is more precise, requiring that a person objecting to a subpoena must serve either written objections or move to quash within the earlier of the time fixed for compliance or fourteen days after service and, if withholding subpoenaed material on the ground of privilege, must provide a privilege log.<sup>46</sup> It thus suggests strongly that the privilege log, absent judicial relief, must accompany any objections or motion to quash. But Local Rule 26.2 is even more explicit. Paragraph (c) states:

“Where a claim of privilege is asserted in response to discovery or disclosure other than a deposition, and information is not provided on the basis of such assertion, the information set forth in paragraph (a) above shall be furnished in writing *at the time of the response to such discovery or disclosure, unless otherwise ordered by the court.*”

This reflects a 1997 modification to the local rules “to specifically require that the privilege list ... be furnished at the time of the response unless otherwise ordered by the court.”<sup>48</sup>

*In re Chevron Corp.*, 749 F. Supp. 2d 170, 180–81 (S.D.N.Y.), *aff’d sub nom. Lago Agrio Plaintiffs v. Chevron Corp.*, 409 F. App’x 393 (2d Cir. 2010).

Epstein should, at a minimum, be required to produce a privilege log for each of the 22 questions in the subpoena and explain the basis for his Fifth Amendment invocations. At that point, Ms. Giuffre will be in a position to further respond and show why his invocations are not well-founded.

## II. EPSTEIN SHOULD BE COMPELLED TO ANSWER QUESTIONS THAT FACIALLY POSE NO REAL AND SUBSTANTIAL RISK OF SELF-INCRIMINATION.

Epstein also took the Fifth with regard to many questions for which there was no realistic risk of self-incrimination. As the Eleventh Circuit has explained, “[t]he central standard for the ... application [of the fifth amendment privilege against self-incrimination is] whether the claimant is confronted by substantial and ‘real’, and not merely trifling or imaginary, hazards of incrimination.” *United States v. Argomaniz*, 925 F.2d 1349, 1353 (11th Cir. 1991) (citing *Marchetti v. United States*, 390 U.S. 39, 53 (1968)). Thus, the privilege applies only in “instances where the witness has reasonable cause to apprehend danger” of criminal liability. *Argomaniz*, 925 F.2d at 1353 (citing *Hoffman v. United States*, 341 U.S. 479, 486 (1951)).

Not only does Epstein bear the burden of establishing the validity of his privilege claim, but a “court must make a particularized inquiry, deciding, in connection with each specific area that the questioning party wishes to explore, whether or not the privilege is well-founded.” *Argomaniz*, 925 F.2d 1349, 1355 (11th Cir. 1991). Here, there are a number of questions that does not appear to pose any “substantial and real” risk of incrimination. These questions include the following:

1. Q. Is there anything, including any physical conditions or ailments, that would prevent you from giving truthful testimony today? (*Id.* at 15).
2. Q. What state do you consider yourself to be a citizen of? (*Id.* at 15-16).
3. Q. You know the Defendant in this case, Ghislaine Maxwell, true? (*Id.* at 16).
4. Other questions of a similar nature about interactions with Maxwell. (*Id.* at 16-20).
5. Epstein has a joint defense agreement and common interest agreement with Maxwell. (*Id.* at 20-21).
6. Without going into the substance of any communications that you have had, you have communicated with Maxwell since September 21st, 2015, true? (*Id.* at 26.)
7. Q. What e-mail accounts has Maxwell used in her communications with you? (*Id.* at 27).



8. Q. In June 2008, in open court, you pled guilty to two Florida State felonies, correct? (*Id.* at 28.)
9. Other similar questions relating to the state crime to which Epstein has already plead guilty. (*Id.* at 28-42).
10. Q. In fact, at that time [around 2005], Maxwell was regularly at your Palm Beach mansion, true? (*Id.* at 43.)
11. Q. Sir, isn't it true that Mas. Maxwell was running your Palm Beach mansion in 2000 [and other years]? (*Id.* at 44-47.)
12. [Following a break in the deposition] Q. Without going into the substance of any communication, who[m] did you speak to during the break? (*Id.* at 48.)
13. Q. You have millions and millions of dollars available to your disposal to satisfy any need for assistance in responding to discovery in this case, true? (*Id.* at 165.)
14. Q. How much money have you given Maxwell since 1996? (*Id.* at 166.)
15. Other similar questions regarding financial payments to or transactions with Maxwell. (*Id.* at 166-69).
16. Q. In the period 1999 to 2005, what kind of donations did you make to the Palm Beach Police Department or to any organization associated with the Palm Beach Police Department? (*Id.* at 172.)
17. Q. Please describe all dinners you've ever had with Bill Clinton. (*Id.* at 176.)
18. Q. If we wanted to serve you with legal process in the future, what would be the simplest way to do that? (*Id.* at 179.)
19. Q. Please describe all your overseas travel in the last two years. (*Id.* at 179-80.)
20. Q. It's a matter of public record that you later settled that lawsuit [filed against you by Ms. Giuffre], right? (*Id.* at 196.)
21. Q. Sir, you are [un]willing to sign an unconditional waiver allowing Virginia to turn over the settlement agreement to Maxwell, right? (*Id.* at 198).<sup>7</sup>
22. Q. Sir, you know Harvard Law Professor, now former law professor, Alan Dershowitz? (*Id.* at 199.)

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<sup>7</sup> The transcript errantly uses the term "willing," but in context the term should have been recorded by the stenographer as "unwilling." In either event, the point remains that Epstein took the Fifth rather than answer this question.

23. Q. Alan Dershowitz has sent drafts of books he was writing for you to review, right? (*Id.* at 200.)
24. Q. Without discussing any particular attorney-client communications, what was the general type of legal work [Dershowitz] did for you? (*Id.* at 200.)
25. Q. When did Dershowitz first become your lawyer? (*Id.* at 201.)
26. Q. Has Dershowitz ever provided you business advice of a nonlegal nature? (*Id.* at 201-02.)
27. Q. [Shortly after December 30, 2014] Did you authorize Dershowitz to make any public statements on your behalf? (*Id.* at 204.)
28. Q. Was that [statement to the media that “He’s as outraged as I am,” referring to Epstein] an authorized statement on your behalf by Alan Dershowitz? (*Id.* at 206.)
29. Related questions about Dershowitz’s statement to the media describing a statement made by Epstein. (*Id.* at 205-06.)
30. Q. In 2000 and 2001, Dershowitz came to visit you in your New York mansion, true? (*Id.* at 206.)
31. Q. If we focus in on the years 2000 and 2001, how many times did Dershowitz visit you in your various homes? (*Id.* at 207.)
32. Q. While you were negotiating with the U.S. Attorney’s Office, you were also working with [Assistant U.S. Attorneys] Menchel and Lurie to help them secure lucrative employment when they left the office, right? (*Id.* at 213.)
33. Q. Bill Clinton flew on your jet a number of times in 2002, right? (*Id.* at 219.)
34. Q. Maxwell frequently flew a helicopter in the U.S. Virgin Islands, right? (*Id.* at 221.)
35. Q. Please list every place you and Bill Clinton have ever been together. (*Id.* at 222-23.)
36. Q. Please describe all of your interactions with the Clinton Foundation. (*Id.* at 225.)
37. Q. Sir, you’ve made no effort to collect any of the documents requested here [in the subpoena for the deposition], right? (*Id.* at 227.)

38. Q. It would not be burdensome for you to search for any of these documents [requested in the deposition subpoena], would it? (*Id.* at 228.)
39. Q. I want to direct your attention to the item 13, which requests all -- . . . telephone records associated with you, including cell phone records, from 1999 to present that show[] communications with Maxwell, Ghislaine Maxwell. You've taken no steps to secure those documents, right? (*Id.* at 229.)
40. Q. You have seen Ms. Maxwell commit crimes, right? (*Id.* at 231.)
41. Q. When Rodriguez was describing Maxwell's involvement with underage girls, your attorneys had an interest in attacking that testimony, right? (*Id.* at 254.)
42. Q. In fact, Maxwell has been a partner with you in several of your business enterprises, right? (*Id.* at 264.)
43. Q. You hope that Maxwell prevails in this litigation, right? (*Id.* at 265.)
44. Q. In fact, you and your attorney actually got together on the phone with Virginia in about 2007, right? (*Id.* at 269-70.)
45. Q. Which of your attorneys was on the phone with Virginia in about 2007? (*Id.* at 270.)
46. Q. This litigation will affect the reputation of associates of yours, won't it? (*Id.* at 333.)
47. Q. In fact, as a pragmatic matter, you are essentially a Defendant in this action, right? (*Id.* at 335.)
48. Q. Please describe the way yours and Maxwell's business affairs are intertwined currently. (*Id.* at 338.)
49. Q. What is your arrangement with Ms. Maxwell with regard to paying any -- judgment that might be reached against her in this case? (*Id.* at 370.)

It is up to Epstein to show that each of these questions that he refused to answer posed a substantial risk of self-incrimination. Moreover, if Epstein can provide even some information in answer to the question without incriminating himself, he must provide that partial answer.

*See, e.g., Nat'l Day Laborer Org. Network v. U.S. Immigration & Customs Enft Agency*, 811 F. Supp. 2d 713, 740 (S.D.N.Y. 2011), *amended on reconsideration* (Aug. 8, 2011) (discussing



documents “redacted to different degrees” to provide information without violating privilege); *Jones v. B. C. Christopher & Co.*, 466 F. Supp. 213, 223 (D. Kan. 1979) (noting that witness “may make partial answers and stop when he believes further comment would incriminate him”). A “witness is not exonerated from answering merely because he declares that in so doing he would incriminate himself; his say-so does not of itself establish the hazard of incrimination.” *Martin-Trigona v. Gouletas*, 634 F.2d 354, 360 (7th Cir. 1980). Because Epstein cannot establish the hazard of incrimination with respect to each of the questions above, the Court should compel him to answer each of these questions (and permit counsel to ask reasonable follow-up questions in the same vein).

### **III. EPSTEIN SHOULD BE COMPELLED TO ANSWER QUESTIONS ABOUT MAXWELL’S INVOLVEMENT WITH FEMALES IN FOREIGN COUNTRIES.**

Epstein should also be compelled to answer questions about Maxwell’s involvement with females in foreign countries. The Supreme Court has made very clear that a witness may not invoke a Fifth Amendment privilege to refuse to answer questions that pose a risk of prosecution in foreign countries. *United States v. Balsys*, 524 U.S. 666 (1998). The Court reasoned that the Fifth Amendment creates rights only against the federal government (and, via incorporation through the Fourteenth Amendment, against state governments). *Id.* at 672-74. As a result, any argument that the Fifth Amendment has extra-territorial application has been foreclosed. *Valenzuela v. United States*, 286 F.3d 1223, 1229 (11th Cir. 2002).

In light of this controlling legal authority, Ms. Giuffre asked Epstein a series of very narrow and specific questions about purely foreign activities. The questions began with the limitation that Epstein was “to understand that the next series of questions we’ll be dealing just with your actions in England, not with any of your actions in the United States.” Epstein Depo. Tr. at 140. Epstein was then asked a series of questions – including a number of questions

involving “English females.” This limitation is important because Epstein may seek to invoke a Fifth Amendment privilege with regard to his trafficking of American girls into England. *See, e.g.,* 18 U.S.C. § 2421(a). But no such trafficking concerns exist with regard to females already located in England.

For these reasons, Ms. Giuffre is entitled to force Epstein to disclose even *his* activities with foreign females in foreign countries. But in this motion, Ms. Giuffre does not go so far. Instead, she moves the Court to compel answers to a much narrower set of questions – specifically, Maxwell’s interactions with females overseas in specific countries. The specific questions Ms. Giuffre moves to compel Epstein to answer are:

***England***

1. Q. While in England, in Miss Maxwell’s private residence, you observed Maxwell in the presence of English females under the age of 18, true? (*Id.*)
2. Q. While in England, Ms. Maxwell brought you English females to satisfy your sexual purposes, true? (*Id.*)
3. Q. Please describe how many times you have seen Maxwell in private locations with girls under the age of 18 in England? (*Id.* at 142)
4. Q. Based on your understanding of English criminal law, you have observed Maxwell commit English criminal offenses of a sexual nature in England, true? (*Id.*)
5. Q. Have you ever observed Maxwell commit a crime in England? (*Id.* at 143.)
6. Q. Please describe for me all the crimes you have seen Maxwell commit in England. (*Id.* at 144.)
7. Q. Please describe Maxwell’s interactions in England with females under the age of 18. (*Id.* at 144.)

***France***



8. Q. Maxwell has frequently been to your apartment in Paris, France, true? (*Id.* at 153.)

***Thailand***

9. Q. You saw Maxwell in the presence of Thai females under the age of 18 in Thailand, true? (*Id.* at 155.)

***Brunei***

10. Q. In 2002, you flew to Brunei with Maxwell on your private jet, true? (*Id.* at 157.)
11. Q. Are you aware of . . . interaction by Maxwell with women in Brunei? (*Id.* at 159.) Q. Are you aware of any interaction by Maxwell with girls under the age of 18 in Brunei? (*Id.*)
12. Q. Please describe all the interactions you saw between Maxwell and girls from Brunei in Brunei. (*Id.*)

***Czech Republic/Czechoslovakia***

13. Q. Was Maxwell ever with you when you were in the presence of girls under the age of 18 in the Czech Republic? (*Id.* at 161.)
14. Q. Has Maxwell ever interacted with minor girls from the former country known as Czechoslovakia? (*Id.* at 163.)

***Other Countries***

15. Q. Please name all of the countries, not including the United States, where you have seen Maxwell in the presence of females who lived in those countries under the age of 18. (*Id.* at 162.)
16. Q. Please describe for me Maxwell's sexual interactions with females under the age of 18 in foreign countries with citizens of those countries. (*Id.* at 162.)
17. Q. Has Maxwell ever interacted with females under the age of 18 in foreign countries? (*Id.* at 162-63.)
18. Q. Based on your understanding of the criminal laws of other countries, has Maxwell ever committed a crime of a sexual nature in another country? (*Id.* at 164.)

19. Q. Please describe all the crimes of a sexual nature that you understand Maxwell has committed foreign countries. (*Id.* at 164.)
20. Q. Epstein cannot claim a realistic risk of incriminating himself by discussing these specific events regarding *Maxwell*.

### CONCLUSION

For the reasons set forth above, plaintiff, Virginia Giuffre, respectfully requests that the Court grant her Motion to Compel and direct Jeffrey Epstein to: (1) produce the documents that he has been subpoenaed to produce (or, at the very least, produce a privilege log for each of the categories for which documents are sought); (2) answer the specific, identified questions identified in Section II above (and reasonable follow up questions) that pose no substantial and real risk of incrimination; and (3) answer specific questions about Maxwell's interactions with females in other countries (and reasonable follow up questions), as identified in Section III above.

Dated: September 20, 2016

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 20th day of September, 2016, I served the foregoing document this day on the individuals identified below via email:

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# ADDENDUM A

United States District Court  
Southern District Of New York

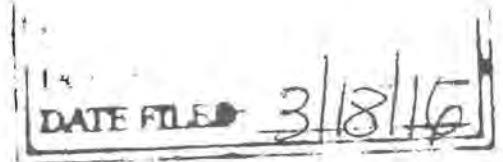
-----X  
Virginia L. Giuffre,

Plaintiff,

v.

Ghislaine Maxwell,

Defendant.  
-----X



15-cv-07433-RWS

**PROTECTIVE ORDER**

Upon a showing of good cause in support of the entry of a protective order to protect the discovery and dissemination of confidential information or information which will improperly annoy, embarrass, or oppress any party, witness, or person providing discovery in this case, **IT IS ORDERED:**

1. This Protective Order shall apply to all documents, materials, and information, including without limitation, documents produced, answers to interrogatories, responses to requests for admission, deposition testimony, and other information disclosed pursuant to the disclosure or discovery duties created by the Federal Rules of Civil Procedure.
2. As used in this Protective Order, "document" is defined as provided in FED.R.CIV.P. 34(a). A draft or non-identical copy is a separate document within the meaning of this term.



3. Information designated "CONFIDENTIAL" shall be information that is confidential and implicates common law and statutory privacy interests of (a) plaintiff Virginia Roberts Giuffre and (b) defendant Ghislaine Maxwell.
4. CONFIDENTIAL information shall not be disclosed or used for any purpose except the preparation and trial of this case.
5. CONFIDENTIAL documents, materials, and/or information (collectively "CONFIDENTIAL INFORMATION") shall not, without the consent of the party producing it or further Order of the Court, be disclosed *except that* such information may be disclosed to:
  - a. attorneys actively working on this case;
  - b. persons regularly employed or associated with the attorneys actively working on this case whose assistance is required by said attorneys in the preparation for trial, at trial, or at other proceedings in this case;
  - c. the parties;
  - d. expert witnesses and consultants retained in connection with this proceeding, to the extent such disclosure is necessary for preparation, trial or other proceedings in this case;
  - e. the Court and its employees ("Court Personnel") in this case;
  - f. stenographic reporters who are engaged in proceedings necessarily incident to the conduct of this action;
  - g. deponents, witnesses, or potential witnesses; and



- h. other persons by written agreement of the parties.
- 6. Prior to disclosing any CONFIDENTIAL INFORMATION to any person listed above (other than counsel, persons employed by counsel, Court Personnel and stenographic reporters), counsel shall provide such person with a copy of this Protective Order and obtain from such person a written acknowledgment stating that he or she has read this Protective Order and agrees to be bound by its provisions. All such acknowledgments shall be retained by counsel and shall be subject to *in camera* review by the Court if good cause for review is demonstrated by opposing counsel.
- 7. Documents are designated as CONFIDENTIAL by placing or affixing on them (in a manner that will not interfere with their legibility) the following or other appropriate notice: "CONFIDENTIAL." Discovery material designated CONFIDENTIAL shall be identified by Bates number. To the extent practical, the respective legend shall be placed near the Bates number.
- 8. Designation of a document as CONFIDENTIAL INFORMATION shall constitute a representation that such document has been reviewed by an attorney for the designating party, that there is a valid and good faith basis for such designation, made at the time of disclosure or production to the receiving party, and that disclosure of such information to persons other than those permitted access to such material would cause a privacy harm to the designating party.

9. Whenever a deposition involves the disclosure of CONFIDENTIAL INFORMATION, the deposition or portions thereof shall be designated as CONFIDENTIAL and shall be subject to the provisions of this Protective Order. Such designation shall be made on the record during the deposition whenever possible, but a party may designate portions of depositions as CONFIDENTIAL after transcription, provided written notice of the designation is promptly given to all counsel of record within thirty (30) days after notice by the court reporter of the completion of the transcript, and until the expiration of such thirty (30) days after notice by the court reporter of the completion of the transcript, no party or counsel for any such party may share the contents of the deposition outside the limitations of this Protective Order.
10. Whenever a party seeks to file any document or material containing CONFIDENTIAL INFORMATION with the Court in this matter, it shall be accompanied by a Motion to Seal pursuant to Section 6.2 of the Electronic Case Filing Rules & Instructions for the Southern District of New York.
11. A party may object to the designation of particular CONFIDENTIAL INFORMATION by giving written notice to the party designating the disputed information. The written notice shall identify the information to which the objection is made. If the parties cannot resolve the objection within ten (10) business days after the time the notice is received, it shall be the obligation of the party designating the information as CONFIDENTIAL to file an

appropriate motion requesting that the Court determine whether the disputed information should be subject to the terms of this Protective Order. If such a motion is timely filed, the disputed information shall be treated as CONFIDENTIAL under the terms of this Protective Order until the Court rules on the motion. If the designating party fails to file such a motion within the prescribed time, the disputed information shall lose its designation as CONFIDENTIAL and shall not thereafter be treated as CONFIDENTIAL in accordance with this Protective Order. In connection with a motion filed under this provision, the party designating the information as CONFIDENTIAL shall bear the burden of establishing that good cause exists for the disputed information to be treated as CONFIDENTIAL.

12. At the conclusion of this case, unless other arrangements are agreed upon, each document and all copies thereof which have been designated as CONFIDENTIAL shall be returned to the party that designated it CONFIDENTIAL, or the parties may elect to destroy CONFIDENTIAL documents. Where the parties agree to destroy CONFIDENTIAL documents, the destroying party shall provide all parties with an affidavit confirming the destruction.
13. This Protective Order shall have no force and effect on the use of any CONFIDENTIAL INFORMATION at trial in this matter.

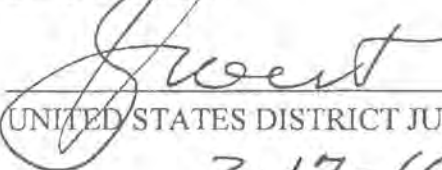


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14. This Protective Order may be modified by the Court at any time for good cause shown following notice to all parties and an opportunity for them to be heard.

BY THE COURT

  
UNITED STATES DISTRICT JUDGE  
3-17-16

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VIRGINIA L. GIUFFRE,  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
Defendant.  
-----X

15-cv-07433-RWS

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO COMPEL  
DATA FROM DEFENDANT'S (NON-EXISTENT) UNDISCLOSED EMAIL  
ACCOUNT AND FOR AN ADVERSE INFERENCE INSTRUCTION**

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Defendant Ghislaine Maxwell (“Ms. Maxwell”) files this Response to Plaintiff’s Motion To Compel Data From Defendant’s (Non-Existent) Undisclosed Email Account and For an Adverse Inference Instruction and states as follow:

### **INTRODUCTION**

Plaintiff continues in her course of re-litigating issues, multiplying these proceedings and misstating the record. In what amounts to the fourth Motion on forensic examination of Ms. Maxwell’s computers and email accounts, Plaintiff now trumps up a claim that some unidentified and “undisclosed” email account should have been searched and was not. To the contrary, Ms. Maxwell has spent thousands of dollars to forensically image all of her devices, searching every account to which she has access, conducting extremely broad and over-reaching searches for the search terms Plaintiff requested and in complying with this Court’s Orders. The result of these exercises proved, as Ms. Maxwell has always maintained, that all non-privileged relevant and responsive documents in her possession, custody and control had already been searched for and produced prior to the excessive and redundant briefing on these issues, resulting in no additional production. Plaintiff’s Motion must be denied because no “undisclosed” email account exists and Ms. Maxwell has fully complied with this Court’s Orders.

### **ARGUMENT**

#### **I. PLAINTIFF HAS FAILED TO CONFER UNDER RULE 37(A)(1) OR THIS COURT’S ORDER**

Despite the clear requirements of Rule 37(a)(1) requiring a certificate of conferral prior to filing any motion to compel, and this Court’s standing order regarding conferral on all discovery issues prior to Motions practice, the sum total of Plaintiff’s stated conferral attempt is a footnote stating that a letter was sent on September 23, 2016 “inquiring about the undisclosed account” – a letter not included in the exhibits to the Motion. Ms. Maxwell has been clear that she has

searched all accounts that she can access. Had Plaintiff bothered to follow up on this alleged communication, Ms. Maxwell would have reaffirmed that there is no “undisclosed” email account. Instead, Plaintiff filed this frivolous and vexatious motion to waste both the Court and Ms. Maxwell’s time and needlessly multiply these proceedings.

Courts in this district routinely deny motions based on failure to confer prior to the motion when such conferral is required by the Rules or Court Order. *Prescient Partners, L.P. v. Fieldcrest Cannon, Inc.*, No. 96 Civ. 7590 (DAB) JCF, 1998 WL 67672, at \*3 (S.D.N.Y. 1998) (“Under ordinary circumstances,..., the failure to meet and confer mandates denial of a motion to compel.”); *Excess Ins. Co. v. Rochdale Ins. Co.*, No. 05 CIV. 10174, 2007 WL 2900217, at \*1 (S.D.N.Y. Oct. 4, 2007) (Sweet, J.) (denying motion and cross motion based on failure to confer, noting “[m]ere correspondence, absent exigent circumstances not present here, does not satisfy the requirement”); *Myers v. Andzel*, No. 06 CIV. 14420 (RWS), 2007 WL 3256865, at \*1 (Sweet, J.) (S.D.N.Y. Oct. 15, 2007) (denying motion based on failure to confer).

The Court has been abundantly clear on the necessity for conferral prior to motions practice. In the March 17, 2016 hearing, the Court ordered that prior to motions practice, the parties were to set an agenda on the disputed issue in writing and have a meeting of substance prior to filing a motion. “So I would say exchange writing as to what it's going to be and have a meeting. It doesn't have to be in person, but it certainly has to be a significant meeting; it can't be just one ten-minute telephone call. So that's how I feel about the meet and confer.” Tr. p. 3. As shown in the Plaintiff’s motion, no such call has occurred.

Based on Plaintiff’s failure to confer as required by both the Federal Rules and this Court’s standing order, Ms. Maxwell requests that the Motion be denied and attorneys’ fees and costs of responding be awarded to Ms. Maxwell.

## II. MS. MAXWELL HAS DISCLOSED AND SEARCHED ALL EMAIL ACCOUNTS

### *a. All Devices Have Been Forensically Searched for Responsive Emails*

As requested by Plaintiff and Ordered by the Court, Ms. Maxwell's computer and all of her electronic devices have been forensically imaged, searched for the search terms requested by Plaintiff, and all responsive documents produced. This expensive, costly and time consuming exercise in futility simply confirmed that all responsive documents, including all responsive emails, were produced in March and April 2016.

Most significantly, the devices were searched for all emails—whether saved or deleted – and irrespective of which account they came from; not a single responsive email was located from any MindSpring account and no emails were located from Earthlink or any other secret, hidden, “undisclosed” email account, as Plaintiff speculates must exist.

### *b. The MindSpring account*

The first two accounts discussed in the Motion have already been fully discussed in prior briefings and at length in conferral conferences.<sup>1</sup> See DE 320. In addition to the search of Ms. Maxwell's computer and devices, the first account, [REDACTED] was forensically searched on its server using the search terms proposed by Defendants and as required by the Court. The search uncovered no responsive documents from any time period. See DE 320. This included both emails in the account, deleted emails, and any other information relating to the account retained on the MindSpring server. There can simply be no claim for an adverse inference where Plaintiff has already received exactly what she requested – a forensic search of the account for her own defined terms. It resulted in nothing.

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<sup>1</sup> Plaintiff conveniently omits the fact that the EarthLink and MindSpring accounts were in an address book purportedly recovered from Mr. Epstein's home by the Palm Beach Police in 2005. Thus, there is no indication or inference that either of these accounts were created or used in the 2000 to 2002 time frame as Plaintiff claims.

*c. The EarthLink account*

The second account, [REDACTED], is, as Ms. Maxwell has repeatedly explained to Plaintiff's counsel, an account that she does not recognize, that she does not recall having ever logged onto, and for which she has no password. *See* DE 320. Ms. Maxwell tried every avenue available online through EarthLink to reset the password or otherwise access the account. In fact, when one attempts to recover a password for that account, the system states "The email address you entered is not an EarthLink email address or ID." According to *Plaintiff*, such a message means the account has been permanently deleted by the host company. Plaintiff's counsel, Meredith Shultz, wrote on May 17, 2016, regarding an account of Plaintiff's (that she claims she cannot access but for which relevant and responsive emails were located on her computer):

"Regarding her live.com address, it appears that the account has been permanently deleted by the host Company. One method of telling if an account still exists for live.com (**and for most web mail systems**) is to perform an account password recovery. When you enter the e-mail address and enter the captca code and hit Next, the website states that it does not recognize the email address. This means that the account has been permanently deleted from live.com's system."

Menninger Decl., Ex. A.

Plaintiff does not, and cannot, explain why she thinks that her own live.com email address has been permanently deleted by the host company, yet based on the exact same set of data, she thinks that an email account that Ms. Maxwell does not recall ever using (and from which no documents exist on her devices) from Earthlink still remains on its system. If there is some way to access the account, Plaintiff hasn't said what it is. Ms. Maxwell simply has no way to access this account and has no information, save Plaintiff's rank speculation.<sup>2</sup>

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<sup>2</sup> Plaintiff has an account from which actual documents *have* been produced – proving she did use the account (unlike Ms. Maxwell's EarthLink account) and it contains relevant information. Yet Plaintiff claims she

Because Plaintiff claimed she cannot access her Microsoft account, Ms. Maxwell subpoenaed Microsoft for the documents. Plaintiff moved to quash the subpoena to obtain the information contained in the account and has refused to sign the release provided to her that would allow the production of that information under the terms of a subpoena issued to Microsoft. Menninger Decl., Ex. B. Tellingly, Plaintiff did not issue a subpoena to EarthLink regarding this account to see if it existed, has content or could be accessed. Instead, she seeks the drastic and improper sanction of an adverse inference knowing that it is far more beneficial to her than actually receiving information from EarthLink which would reveal nothing exists.

*d. There is no “Undisclosed” Account*

Plaintiff next argues that she is entitled to an adverse inference based on the failure to search a phantom e-mail account that she presumes (without support and based on pure speculation) must have existed, which she has never asked about in discovery, claiming that such an account was improperly “undisclosed” and not searched. Plaintiff bases her absurd argument on statistics suggesting that someone like Ms. Maxwell “likely” had an email account in the 2000 to 2002 timeframe and a specious claim that Ms. Maxwell has never *denied* having an email account from 2000 to 2002. Motion at 2. Notably absent from the Motion is a single interrogatory, request for admission, or deposition question in which Ms. Maxwell was asked to provide all email addresses she has used *or* asked if she ever had an email account in 2000 to 2002. No such question was ever posed to Ms. Maxwell on this issue.<sup>3</sup> How could she possibly deny the existence of an account when she was never asked the question?

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cannot access her Microsoft account because she does not remember the password and does not have sufficient personal information to provide to gain access to the account. DE 207; DE 441. This is not dissimilar to Ms. Maxwell who does not even remember the account let alone the password.

<sup>3</sup> By contrast, Ms. Maxwell requested that Plaintiff identify all email and social media accounts which she had used since 1998. Plaintiff provided false information, and purposefully omitted accounts that have since been discovered, one of which Plaintiff still has failed to forensically search and disclose its responsive documents.

Plaintiff asks this Court to infer the existence of an undisclosed “email” account for Ms. Maxwell in the 2000-2002 timeframe based on witness accounts that Jeffrey Epstein had a “messaging system” on a private server. Of course, there is a big difference between having a private email account (gmail, aol, yahoo, etc.) and communicating through a private messaging system on an employer’s sever, as described by Mr. Alessi (“It was a server. I think it was --the office would have, like, a message system between him, the houses, the employees, his friends. They would write a message on the computer. **There was no email at that time.**”).<sup>4</sup> To the extent there was a private messaging system used by Mr. Epstein’s household employees maintained on a private server by Mr. Epstein, information from that system is not available to Ms. Maxwell. Ms. Maxwell has not been employed by Mr. Epstein for over 10 years and has not had any access to Mr. Epstein’s server through Citrix or otherwise since at least the end of her employment with him.

“Whether a party subject to a document request can be compelled to comply depends on two preliminary questions: (1) assuming the requested documents exist, does the party have possession, custody or control over them, and (2) if the party has such possession, custody or control, can the party be compelled to conduct a reasonable search for and, if found, to produce the documents.” *Gross v. Lunduski*, 304 F.R.D. 136, 142 (W.D.N.Y. 2014). Ms. Maxwell is not in the possession, custody or control of the server or any information it may contain. “Where

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<sup>4</sup> It appears this is what was also being described by Mr. Banasiak in the deposition from another case, a full copy of which has never been produced in this litigation. Indeed, Mr. Banasiak has not been identified as a person with relevant or discoverable information in any of the last three of Plaintiff’s Rule 26 Disclosures. In the cited testimony, Mr. Banasiak appears to have discussed accessing a private messaging system maintained on Mr. Epstein’s private server using Citrix, a program that allows such access to authorized users. Because Plaintiff has failed to disclose the transcript being quoted, Ms. Maxwell cannot fully decipher the obviously edited testimony quoted in the Motion, does not know what timeframe Mr. Banasiak was referring to regarding the computers or using Citrix, and cannot respond to the claims made regarding the nature of any inference that could be drawn from Mr. Banasiak’s selected testimony. The entire argument and reference to the transcript must be ignored and stricken based on Plaintiff’s failure to produce in discovery the transcript she relies on.



control is contested, the party seeking production of documents bears the burden of establishing the opposing party's control over those documents.” *Alexander Interactive, Inc. v. Adorama, Inc.*, No. 12 CIV. 6608 (PKC) (JCF), 2014 WL 61472, at \*3 (S.D.N.Y. Jan. 6, 2014). Plaintiff has made no showing that Ms. Maxwell has any control over the hypothetical documents she suspects may be on **Mr. Epstein’s private server**. As has been made clear by Mr. Epstein’s refusal to produce any documents in this matter or provide any testimony, instead invoking his Fifth Amendment privilege, there is no manner in which Ms. Maxwell could require Mr. Epstein to provide any information on Mr. Epstein’s private server. Notably, no such “messages” were located on any of Ms. Maxwell’s devices or within her email accounts.

Simply put, there are no emails from any accounts, systems or electronic storage devices over which Ms. Maxwell has possession, custody or control that have not been searched and from which responsive non-privileged documents produced.

### **III. SANCTIONS AGAINST MS. MAXWELL NOT WARRANTED, RATHER COSTS OUGHT TO BE AWARDED TO HER**

Plaintiff completely fails to identify which, if any, of the Rules of Civil Procedure she relies on to claim any right to request sanctions, let alone to receive an adverse inference instruction. The argument appears premised on a claim that Ms. Maxwell has not complied with the Court’s Order – a completely inaccurate claim:

On June 20, 2016, this Court ordered:

Defendant is ordered to collect all ESI by imaging her computers and collecting all email and text messages on any devices *in Defendant's possession or to which she has access* that Defendant used between the period of 2002 to present. Defendant is further directed to run mutually- agreed upon search terms related to Plaintiff's requests for production over the aforementioned ESI and produce responsive documents within 21 days of distribution of this opinion.

This was done. Plaintiff then expanded her request, imposed additional search terms, and added conditions concerning the manner in which she wanted devices searched. On August 9,

2016, the Court entered an Order adopting Plaintiff's expanded request and methodology. All accessible email accounts and devices, including deleted files and emails, were searched – again – at significant expense. Again, no additional non-privileged responsive documents were located. There is no non-compliance and no basis for any sanctions, let alone the draconian sanction of an adverse inference.

***a. Plaintiff Fails to Identify or Prove the Factors Required for Sanctions Based on Alleged Violation of a Court Order***

Absent from Plaintiff's motion is the actual legal standard required for imposition of sanctions, and certainly no argument or citation exist in this case to carry the burden of establishing the factors. In light of the fact that Ms. Maxwell has complied, Plaintiff has failed to demonstrate the minimum hurdle for any sanction. Thus, the factors are not addressed here, nor can they be addressed on Reply. What is clear is that the sanction of an adverse inference is not identified as a sanction that should or could be considered under the rules concerning the failure to comply with a Court Order. *See* Fed. R. Civ. P. 37(b)(2)(A).

***b. Controlling Law Prohibits an Adverse Inference Instruction***

An adverse inference instruction is considered an “extreme sanction” that “should not be given lightly.” *Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212, 220 (S.D.N.Y. 2003). More importantly Plaintiff completely ignores the 2015 changes to Fed. R. Civ. P 37(e)(2), which now permits an adverse inference instruction only when the court finds that a spoliating party purposefully and willfully destroys evidence and that party “acted with the intent to deprive another party of the information's use in the litigation.” Fed. R. Civ. P. 37(e)(2). The new Rule 37 “rejects cases such as *Residential Funding Corp. v. DeGeorge Financial Corp.*, 306 F.3d 99

(2d Cir. 2002)<sup>5</sup>, that authorize the giving of adverse-inference instructions on a finding of negligence or gross negligence.” Fed. R. Civ. P. 37(e)(2) Advisory Committee's Note to 2015 Amendment; *see also Thomas v. Butkiewicz*, No. 3:13-CV-747 (JCH), 2016 WL 1718368, at \*7 (D. Conn. Apr. 29, 2016) (recognizing abrogation of *Residential Funding*). There is no claim of spoliation – no information has been lost or destroyed since the threat or initiation of litigation when there would have been a duty to preserve. There is no bad faith. Ms. Maxwell has completely complied with all Court Orders and there are no accessible accounts or electronic devices that have not been searched.

- i. *The cases cited by Plaintiff are not the controlling standards, and Plaintiff fails to establish the elements required for an adverse inference*

Plaintiff relies heavily on her previously briefed motion requesting an adverse inference relying on factors in a single case, *Residential Funding Corp. v. DeGeorge Financial Corp.*, 306 F.3d 99, 108 (2nd Cir. 2002). This case sets forth the standard for an adverse inference based on the inherent powers of the Court (not under Rule 37(b)) where the party failed to produce relevant documents prior to the commencement of trial. *Id.* (“where, as here, an adverse inference instruction is sought on ***the basis that the evidence was not produced in time for use at trial***, the party seeking the instruction must show (1) that the party having control over the evidence had an obligation to timely produce it; (2) that the party that failed to timely produce the evidence had “a culpable state of mind”; and (3) that the missing evidence is “relevant” to the party’s claim or defense such that a reasonable trier of fact could find that it would support that claim or defense”). By contrast, however, courts have repeatedly noted that an adverse inference, and application of the *Residential Funding* test, are not appropriate for a mere delay in production, especially when all documents are produced prior to depositions and trial. *See*

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<sup>5</sup> This is the primary case relied on by Plaintiff in support of both of her Motions for an adverse inference.

*Psihoyos v. John Wiley & Sons, Inc.*, No. 11CV01416, 2012 WL 3601087 (S.D.N.Y. June 22, 2012) (refusing to grant adverse inference instruction where Plaintiff did not confer to obtain requested discovery, and noting “Plaintiff does not cite to a single case where an adverse inference instruction was ordered based on the late production of a document”).<sup>6</sup> Here, there was no delay in production – there was and is nothing additional to produce. All documents were produced well in advance of trial, prohibiting an adverse inference.

Even if the *Residential Funding* factors were applicable, Plaintiff fails to carry her burden of proving those factors are present in this case. Defendant does not contest that she is obligated to comply with this Court’s Orders. She has done so. She has collected all of her electronically stored information, and run all agreed upon search terms – and then re-run the searches when Plaintiff further expanded her demands. The result of the application of these search terms is proof that she has been compliant with her discovery obligations all along. No new non-privileged documents were captured through utilization of the process demanded by Plaintiff. As Ms. Maxwell previously stated in response to the Motion for forensic examination, she had run comprehensive search terms, thoroughly reviewed her records and previously produced all responsive documents in her possession.<sup>7</sup>

The second factor, that “the party that failed to timely produce the evidence had ‘a culpable state of mind’” is likewise lacking. There is no claim of Defendant acting with a

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<sup>6</sup> See also *Phoenix Four, Inc.*, No. 05 CIV. 4837(HB), 2006 WL 1409413, at \*7 (S.D.N.Y. May 23, 2006) (holding that a sanction as severe as an adverse inference was not warranted where defendants came forward with the evidence, even though it was after the close of discovery); *Williams v. Saint-Gobain Corp.*, No. 00 Civ. 502, 2002 WL 1477618, at \*2 (W.D.N.Y. June 28, 2002) (holding that no basis for adverse inference instruction existed where defendant failed to produce emails until the eve of trial and there was no evidence of bad faith); *In re A & M Florida Properties II, LLC*, No. 09-15173 (AJG), 2010 WL 1418861, at \*6 (Bankr. S.D.N.Y. Apr. 7, 2010) (declining to impose adverse inference instruction where documents were belatedly produced, but there was no bad faith).

<sup>7</sup> Plaintiff’s argument that she has been or will be prejudiced is illogical given that there are no documents that have not been produced, and there never have been any responsive documents missing from production.

culpable state of mind, nor is any argued. How can one have a culpable state of mind where there are no additional accounts to search or documents to be produced?

Finally, and perhaps most importantly, Plaintiff fails to provide a shred of evidence that “the missing evidence is ‘relevant’ to the party’s claim or defense such that a reasonable trier of fact could find that it would support that claim or defense.” *Residential Funding Corp.*, 306 F.3d at 108. As discussed, completion of the multiple levels of forensic searches resulted in no responsive non-privileged documents. The hypothetical “undisclosed” email account does not exist. There can simply be no claim that there are any “missing” documents, let alone that they are relevant to Plaintiff’s claims or defenses. *Giarrizzo v. Holder*, No. 07-CV-0801 MAD/GHL, 2012 WL 716189, at \*3 (N.D.N.Y. Mar. 5, 2012) (refusing request for adverse inference where Plaintiff failed to demonstrate relevance prong stating “Plaintiff only identifies the alleged missing documents and speculates, without proof, that the documents support his claim. Indeed, plaintiff has not proven that the aforementioned documents exist”); *Sovulj v. United States*, No. 98 CV 5550FBRML, 2005 WL 2290495, at \*5 (E.D.N.Y. Sept. 20, 2005) (plaintiff could not meet the requirements for obtaining an adverse inference because assertion that missing evidence was relevant was pure speculation); *see also Orbit One Commc'ns, Inc. v. Numerex Corp.*, 271 F.R.D. 429, 439 (S.D.N.Y. 2010) (collecting spoliation cases holding that an adverse inference is inappropriate without proof beyond mere speculation allegedly lost information was relevant). “Without proof that defendant's actions, ‘created an unfair evidentiary imbalance, an adverse inference charge is not warranted.’” *Giarrizzo*, 2012 WL 716189, at \*2 (citing *Richard Green (Fine Paintings) v. McClendon*, 262 F.R.D. 284, 291 (S.D.N.Y. 2009)). Here, Plaintiff cannot demonstrate that there *is any* missing or non-produced information. She hypothecates a non-existent email account and speculates that it must have discoverable relevant evidence. She has

made no attempt to provide any proof or even proffer of relevance beyond mere speculation. Thus, an adverse inference is impermissible.

ii. *Ms. Maxwell has never deleted any relevant emails*

Ms. Maxwell has never “admitted” to deleting any emails that 1) might have any relevance to this case, or 2) after she was under a preservation obligation.<sup>8</sup> Rather, she has a regular practice of deleting spam emails, as do most people. Specifically, she testified:

A. I have not deleted anything that you have asked me for in discovery. I have given you everything that I have.

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<sup>8</sup> By contrast, Plaintiff admits that in 2013 while she was in the process of trying to implead herself into the CVRA case and under a preservation obligation, she and her husband had a bonfire and purposefully burned her journal that she had kept for years containing relevant information. Specifically, she testified;

Q. The booklet that you gave pages from to Ms. Churcher where is that booklet?

A. Burned.

Q. When did you burn it?

A. In, I think it was 2013. Me and my husband had a bonfire.

Q. What did you put in the bonfire?

A. Any kind of memories that I had written down about all the stuff going on.

Q. Had you written anything about Professor Dershowitz?

A. He could have been there, yes.

Q. And you burned that?

A. I wanted to burn my memories. I wanted to get rid of it. It was very painful stuff.

Q. Other than what you had written down did you burn anything else? I don't mean the wood, when you talk about burning your memories, what were you burning?

A. I was burning like memories, thoughts, dreams that I had, just everything that was kind of I affiliated with the abuse I endured, and there was a lot of it in there. My husband is pretty spiritual so he said the best thing to do would be burn them.

Q. Is there anything you decided to keep and not burn?

A. Just the photographs.

Q. Anything else that you can think of?

A. Photographs, that's it.

...

Q. Did you ever look to see if you had any personal notes in your writing that pertain to Professor Dershowitz?

A. Like from my old journal, the one that I burned?

Q. From anywhere. Did you ever make an effort to look?

A. Dershowitz could have been in my journal, he could have been. We're talking about an 85 page, if not more, you know, things that I had written to get my story out of my head and into pages; and yes, Dershowitz could have been in there, but that's up in the clouds now, bonfire.

Q. That's what you call your journals, what you burned, right?

A. Yes.

Q. And you wrote that journal in order to collect your thoughts?

A. To get everything out of here and on to paper.

Menninger Decl., Ex. D at 64-65; 194-21.



Q. That is not my question, my question is, did you ever delete emails in January of 2015?

A. In the normal course of my work, there are emails from spam that I delete. That is the type of email I've deleted. Anything that is material to what you want, I have not deleted.

Q. How do you know that?

A. Well, anybody that's to do with Jeffrey or Alan or women or anything of which I know you were interested in, of which I have anything I would not have done because I don't want to subject myself to... [cut off by Plaintiff's counsel]

Menninger Decl., Ex. C at 370.

This Court permitted the forensic examination of all on Ms. Maxwell's electronic devices to ensure that there were no deleted emails or files that might contain relevant information. In that forensic examination, the entire devices and accounts were searched, including all deleted emails and files. Again, as stated, no relevant non-privileged documents resulted from this extensive and exhaustive examination. Plaintiff received the relief that she requested – a forensic examination – to ensure that no information had been lost or destroyed. It has not. Plaintiff cannot now claim that the non-existent hypothetical emails she suspected existed can form the basis for the severe and improper sanction of an adverse inference.

### **CONCLUSION**

Plaintiff has now litigated this issue on four separate occasions, received a complete and exhaustive forensic examination, and the result is exactly what Ms. Maxwell has always contended – there is no relevant non-privileged information that was not originally produced. Having failed to find the smoking gun – because there is none – Plaintiff now weaves a convoluted argument attempting to get an adverse inference instruction because she cannot prove her case based on the actual law and facts. Such an inference is contrary to law, the rules of evidence, and the very notion of a fair trial. It is impermissible and must be denied.

**WHEREFORE**, Defendant Ghislaine Maxwell request that this Court 1) **DENY** Plaintiff's Motion To Compel Data From Defendant's Undisclosed Email Account and For an

Adverse Inference Instruction, and 2) for attorneys' fees and costs associated with responding to this Motion pursuant to 37(a)(5)(B), and such other and further relief as this Court deems just.

Dated: October 24, 2016

Respectfully submitted,

*/s/ Laura A. Menninger*

---

Laura A. Menninger (LM-1374)

Jeffrey S. Pagliuca (*pro hac vice*)

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*Attorneys for Ghislaine Maxwell*

**CERTIFICATE OF SERVICE**

I certify that on October 24, 2016, I electronically served this *Defendant's Response to Plaintiff's Motion to Compel Data from Defendant's (Non-Existent) Undisclosed Email Account and for an Adverse Inference Instruction* via ECF on the following:

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/s/ Nicole Simmons  
Nicole Simmons

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
VIRGINIA L. GIUFFRE,  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
Defendant.  
-----X

**15-cv-07433-RWS**

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO  
REOPEN DEFENDANT'S DEPOSITION**

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Jeffrey S. Pagliuca  
HADDON, MORGAN, AND FOREMAN, P.C.  
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Defendant Ghislaine Maxwell (“Ms. Maxwell”) files this Response to Plaintiff’s Motion to Reopen Defendant’s Deposition, and states as follows:

### **INTRODUCTION**

Plaintiff comes to this Court – for the third time – seeking to reopen the deposition of Ms. Maxwell based on the production of two innocuous documents which she received more than two months ago on August 16, 2016. Ms. Maxwell has twice sat for deposition, approaching 13 hours on the record, far more than the presumptive 7 hour limit under the Federal Rules. During that time, Plaintiff has had a full and fair opportunity to depose Ms. Maxwell on the subject matters she claims are raised by these two emails, and Plaintiff did in fact question Ms. Maxwell on the subjects covered by the emails. Moreover, despite having access to other email communications that are similar in nature and substance to the two email communications Plaintiff now claims are “key” documents, Plaintiff elected to *not* examine Ms. Maxwell on those similar documents for the purposes she now claims necessitate reopening the deposition. The deposition questions Plaintiff proposes are cumulative, duplicative and Plaintiff had the opportunity to and did obtain the information from other sources making a third deposition of Ms. Maxwell improper.

### **LEGAL STANDARD**

“A person who has previously been deposed in a matter may be deposed again, but only with leave of the court.” *Sentry Ins. v. Brand Mgmt. Inc.*, No. 10 Civ. 347, 2012 WL 3288178, at \*8 (E.D.N.Y. Aug. 10, 2012) (citing Fed.R.Civ.P. 30(a)(2)(A)(ii)). “Leave should be granted to the extent that doing so is consistent with the factors set forth in Rule 26(b)(2), such as ‘whether the second deposition of the witness would be unnecessarily cumulative, whether the party requesting the deposition has had other opportunities to obtain the same information, and whether the burden of a second deposition outweighs its potential benefit.’” *Id.* (quoting *Ganci*,

2011 WL 4407461, at \*2) (collecting cases); *Exp.-Imp. Bank of the U.S. v. Asia Pulp & Paper Co.*, 232 F.R.D. 103, 112 (S.D.N.Y. 2005) (same); *see also Dash v. Seagate Tech. (US) Holdings, Inc.*, No. CV 13-6329 LDW AKT, 2015 WL 4257329, at \*6 (E.D.N.Y. July 14, 2015) (refusing to reopen deposition where party neglected to or affirmatively opted not to inquire about information available at prior deposition and had or could obtain the information through other discovery devices).

Here, Plaintiff's sole justification for an extraordinary *third* deposition are two irrelevant documents that are cumulative of information previously produced, covering topics on which Ms. Maxwell already has been deposed at length, relating to lines of inquiry covered in other written discovery that have been fully responded to, making reopening the deposition cumulative and duplicative. Moreover, Ms. Maxwell has offered to provide responses to specific questions in writing (despite the fact that discovery has closed) which is the least burdensome and less expensive means of obtaining responses to the limited inquiry proposed regarding the two documents.

## ARGUMENT

### A. The Motion is Untimely

Pursuant to the Initial Scheduling Order entered in this matter, motions on discovery issues would not be considered after the date scheduled for disclosure of expert witnesses absent "showing of special circumstances." *See* DE 13, ¶ 2. By agreement of the parties and with approval of the court, that deadline was modified and occurred on September 8, 2016. No special circumstances exist to permit this additional discovery, well after the close of discovery on July 31, 2016. Plaintiff had the documents at issue in advance of September 8, 2016 and could have moved at any time between August 16, 2016 and September 8, but chose not to do so.



The Motion is untimely and no special circumstance exists, nor have any been claimed, requiring denial of the motion.

**B. November 2015 Communication from Mr. Gow Concerning a Press Inquiry is Cumulative and Duplicative of Prior Discovery and Irrelevant to the Claimed Questions**

Plaintiff's claim regarding the relevance of the Gow email is perplexing. It is a single line email *from* Gow *to* Ms. Maxwell to which Ms. Maxwell never responded. Plaintiff correctly points out that Ms. Maxwell's response is not included *precisely because she did not respond*. The email does not, as Plaintiff suggests, demonstrate that Ms. Maxwell was "in fact, involved in, and consulted about, what her press agent says on her behalf." Rather, it shows she did not respond to an inquiry for comment.

Plaintiff's Motion itself proves that Ms. Maxwell has already fully submitted to numerous discovery requests concerning whether she was "involved in, and consulted about" press communications issued by Mr. Gow, including Mr. Gow's January 2, 2015 email to the press that forms the basis of this lawsuit. Indeed, the question has been asked and answered in every conceivable form of discovery under the Federal Rules. She has answered a specific Request for Admissions on the issue, stating:

Maxwell admits that she has worked with Mr. Gow on occasion for several years and that she has corresponded with Mr. Gow regarding communications to members of the British press to reserve her right to seek redress for their repetition of defamatory statements about Ms. Maxwell.

*See* McCawley Decl., Ex. 3, Defendant's Responses to Plaintiff's Requests for Admission at 3.

Likewise, Plaintiff extensively questioned Ms. Maxwell in her depositions about her involvement and communications with Mr. Gow regarding press inquiries, all of which makes clear that the alleged "defamatory" statement at issue was composed by Mr. Gow and Ms. Maxwell's counsel Philip Barden and issued at the advice of counsel based on the requirements

of British law. This is evidenced by the deposition testimony cited by Plaintiff (McCawley Decl., Ex. 2), as well as multiple additional pages of testimony that Plaintiff conveniently ignores. Ms. Maxwell clearly testified on this issue during her deposition (Menninger Decl., Ex. A at 272-274):

Q. I provided you with and I'm sorry, I don't know all the numbers, but the statement that was issued by Ross Gow that should be a single page still in your stack 4 of exhibits there.

MR. PAGLIUCA: Exhibit 10.

Q. Did you authorize Ross Gow to issue that statement on your behalf in January of 2015?

A. I already testified that that was done by my lawyers.

Q. So did you authorize your lawyers to issue a statement on your behalf through Ross Gow in January of 2015?

A. It was determined that I had to make a statement in the United Kingdom because of the appalling lies and I just thought of some new ones. Virginia's statement that I celebrated her 16 birthday with her. We can all agree that that's entirely impossible. I didn't meet her until she was 17 and other lies she perpetrated that she had a diary and we all know is a complete fake. That's not a diary. It was just a book she was writing that you helped sell to the press, as if it was a diary, when it was just a story that she is writing of fiction, fictional story for money.

Q. How did you arrive at the words that were put in that statement?

MR. PAGLIUCA: I'm going to object and instruct you to the extent this calls for any privileged communications between yourself and Mr. Barden or another lawyer representing you, we're asserting privilege. If you can answer that without that, feel free to answer.

Q. So what your counsel is saying, and I will exclude any privileged communications you had with your lawyers. The question is, how did you arrive at the words that were put in that statement, if you can tell me without disclosing privileged communications?

A. I'm not sure that I can.

She was questioned for a third time on the same subject, again answering fully to all non-privileged information (Menninger Decl., Ex. A at 360-363).

I will mark this as Maxwell 17.

Q. This is an email from you on January 10, 2015 to Philip Barden and Ross Gow. The statement you had before you earlier, that, if you can pull that in front of you, the one page press release that you gave. You might know from memory. Was the press release that you issued with the statement about Virginia issued in or around January 2, 2015?

A. As best as I can recollect.

Q. I want to turn your attention to the document I just handed you which is Bates No. 001044, from you to Philip Barden and Ross Gow. It says in the first sentence, I'm out of my depth to understand defamation, other legal hazards and I don't want to end up in a lawsuit aimed at me from anyone, if I can help it. Apparently, even saying Virginia is a liar has hazards. You knew at the time you called Virginia a liar in early January of 2015 that that was something that would result in a lawsuit, is that correct?

A. I have legal advice that I took.

Q. But you knew in early January by making a statement calling Virginia a liar that you were subjecting yourself to a legal dispute with her?

Q. I took legal advice as to what should be said and not be said and the legal advice that came from the United Kingdom was –

A. Sorry.

Q. So is it correct without telling me what you talked to your lawyers about that you knew because this is dated January 10 that when you made this statement in early January, January 2 of 2015 you knew that calling Virginia a liar would subject you to a legal action, isn't that correct?

A. All I can say is I asked a question and received legal advice.

Likewise, all the communications between Mr. Gow and Ms. Maxwell pre-dating the statement issued by Mr. Gow on January 2, 2015 that form the basis of this suit were produced in advance of *both* of Ms. Maxwell's depositions. *See* Menninger Decl., Ex. B, [GM\_01036-01044]. Any questioning concerning Ms. Maxwell's involvement or input into the content of the single statement was available for exploration. Yet, Plaintiff either neglected to or decided not to question Ms. Maxwell about the majority of these documents at their own option, which cannot form the basis for reopening a deposition. *Dash*, 2015 WL 4257329, at \*6 (refusing to reopen deposition where party neglected to or affirmatively opted not to inquire about information available at prior deposition).

Finally, Mr. Gow himself is scheduled to sit for a deposition himself during November on topics to include his correspondence with Ms. Maxwell and with the press concerning Ms. Maxwell, presumably to include the very email that forms the subject of this motion. Plaintiff will have a full and fair opportunity to question him under oath regarding the email that he wrote to Ms. Maxwell.

Finally, Plaintiff claims relevance and prejudice based on a one-line email, received by Ms. Maxwell and to which she never responded, on November 15, 2015 – almost a year after the alleged defamatory statement was issued by Mr. Gow. This document has no bearing on the issue Plaintiff claims requires reopening of her deposition – Ms. Maxwell’s input into the content of the January 2, 2015. And, again, nearly identical emails requesting input from Ms. Maxwell based on media and media inquiries post-dating January 2, 2015, including press inquiries after the filing of this lawsuit, were produced prior to the deposition and Plaintiff chose not to question Ms. Maxwell about these emails for the purposes she now claims are relevant. Menninger Decl., Ex. C [GM\_01060-01068, 00594].

Ms. Maxwell has fully testified regarding the consultation she had on the January 2, 2015 email, produced all non-privileged documents prior to her depositions, and this later dated email is irrelevant to Ms. Maxwell’s clear sworn responses on the subject matter.

**C. Plaintiff Misrepresents Previous Discovery Concerning Ms. Maxwell’s Communications with Jeffery Epstein**

Plaintiff’s half-hearted attempt to claim that a communication between Ms. Maxwell and Mr. Epstein related to a possible response to Plaintiff’s published false claims concerning Ms. Maxwell is somehow “new,” not previously explored, or relevant is provably inaccurate. The entirety of Plaintiff’s argument concerning the “key” nature of this email is:

[T]he email with Epstein regarding a reply to “one further allegation,” shows that Defendant is active in shaping her public statements regarding Ms. Giuffre, and

giving drafts to Epstein for his approval. Accordingly, Defendant was never deposed on (1) why she was seeking Epstein's permission for having Barden make a "reply;" (2) what Epstein's relationship was with Barden; (3) or who drafted the original communication at the bottom of the email, as it does not appear to have been created by either Defendant or Epstein.

As Plaintiff is fully aware, Ms. Maxwell already fully deposed on "(1) why she was seeking Epstein's permission for having Barden make a 'reply'"; any claim to the contrary is simply false. Ms. Maxwell produced (prior to her depositions) several similar communications between herself and Mr. Epstein in which she sought input from Mr. Epstein on having her attorney, Mr. Barden, respond to allegations made by Plaintiff concerning Ms. Maxwell. Indeed in one email, Mr. Epstein advised Ms. Maxwell to go out and hold her head high because she had done nothing wrong. *See Menninger Decl., Ex. D [GM\_01069-01072; 01075; 01084-01099]*. Further, Ms. Maxwell was specifically deposed on this issue:<sup>1</sup>

(Maxwell Exhibit 23, email, marked for identification.)

Q. This is an email from, if you look at the chain at the top, you will see it's from you to Jeffrey on January 27 and the email at the bottom of the chain is from Jeffrey to you on January 27. He states, What happened to you and your statement, question mark, question mark. And you put at the top, I have not decided what to do.

A. Uh-huh.

Q. Why was Jeffrey interested in you making a statement to the press?

A. I don't know that he was interested. We made a statement and then I was being advised to make an additional statement and I never did.

Q. Was Jeffrey communicating with you regularly on what additional statement you might make?

A. No, I've communicated with him very little, as little as possible.

Q. Why did you feel you had to keep him informed of statements you were making to the press?

A. I didn't feel I had to.

---

<sup>1</sup> As to the substance of the email – Plaintiff's fabricated claim that Mr. Epstein and Ms. Maxwell requested Plaintiff to bear a child for them – Ms. Maxwell was extensively questioned in her first deposition. *Menninger Decl. Ex. A*, at 337-39.

Q. Then why you were communicating with him about statements you were making to the press?

A. Insofar as this is the case, it's really all about Jeffrey, it's not a case about me.

Menninger Decl., Ex. A at 392-94.

As to the second point, there is simply no basis for claiming any “relationship” exists between Mr. Barden and Mr. Epstein – there is none. Again, numerous communications were produced in advance of Ms. Maxwell’s depositions relating to Ms. Maxwell’s request for input on Mr. Barden’s draft statements to the press (Menninger Decl., Ex. D), thus making any line of inquiry available to Plaintiff had she believed it were actually relevant or “key.” Regardless, Plaintiff provides no reason to claim that there is any relevance to a line of inquiry regarding an alleged relationship between Mr. Epstein and Mr. Barden.

As for the final point, it is obvious from the subject line and content of the email that Ms. Maxwell was forwarding a non-privileged excerpt of a privileged communication from her attorney, Mr. Barden, to Mr. Epstein. This is certainly no basis to reopen a deposition as the document speaks for itself.

#### **D. The Reopening of Plaintiff’s Deposition is Irrelevant**

Plaintiff attempts to distract the Court from the legal standards required to reopen a deposition, instead arguing that she did not oppose reopening her own deposition. Of course, Plaintiff did not simply inadvertently miss two irrelevant documents in a 1,200 page production. Rather, prior to her deposition she failed to identify over thirteen (13) healthcare providers and failed to produce hundreds of pages of medical records, work records and educational records, all of which were requested prior to her deposition. She even omitted records from her current therapist and from the doctor who was (and is, apparently) prescribing substantial quantities of drugs at the time of her deposition. Indeed, Plaintiff’s second deposition still cannot be



scheduled because Plaintiff persists in her failures to provide complete medical records. Despite Plaintiff's September 21, 2016 Motion for Court Approval of Plaintiff's Certification of Production claiming that she has completed production of medical records and emails, Plaintiff sent a release for health care information from her insurance companies on October 10, 2015 (Menninger Decl., Ex. E [GIUFFRE009094-009102])— a release and records that were requested in April. To date, those (and many other) records have not been produced.

Moreover, Plaintiff made substantive and completely contradictory changes to her deposition testimony in errata sheets after the conclusion of her deposition. As well, she was instructed by counsel not to answer questions about false statements published in the media attributed to her that were critically relevant and she refused to answer the questions. She later conceded no privilege precluded her answers, and that is among the reasons she agreed to sit for a second deposition. Unlike Plaintiff, Ms. Maxwell had no opportunity to depose Plaintiff on multiple and critical issues including unproduced medical records, and undisclosed treatment providers, undisclosed educational history, undisclosed employment, undisclosed intervening causes of her alleged emotional distress, her material contradictory changes to testimony, and any statements published and attributed to her by the media she admits are false. Ms. Maxwell did not request to reopen the deposition to seek cumulative, duplicative and/or irrelevant information. The two situations are vastly different and cannot be compared.

**WHEREFORE**, Defendant Ghislaine Maxwell requests that Plaintiff's Motion to Reopen her Deposition and permit a third deposition be denied.

Dated: October 24, 2016

Respectfully submitted,

*/s/ Laura A. Menninger*

---

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*Attorneys for Ghislaine Maxwell*

**CERTIFICATE OF SERVICE**

I certify that on October 24, 2016, I electronically served this *Defendant's Response to Plaintiff's Motion to Reopen Defendant's Deposition* via ECF on the following:

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/s/ Nicole Simmons

Nicole Simmons

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VIRGINIA L. GIUFFRE,  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
Defendant.  
-----X

15-cv-07433-RWS

**Declaration of Laura A. Menninger in Support of Defendant's Response  
in Opposition to Plaintiff's Motion to Reopen Defendant's Deposition**

I, Laura A. Menninger, declare as follows:

1. I am an attorney at law duly licensed in the State of New York and admitted to practice in the United States District Court for the Southern District of New York. I am a member of the law firm Haddon, Morgan & Foreman, P.C., counsel of record for Defendant Ghislaine Maxwell in this action. I respectfully submit this Declaration in support of Ms. Maxwell's Response to Plaintiff's Motion to Reopen Defendant's Deposition.

2. Attached as Exhibit A (filed under seal) are true and correct copies of excerpts from the April 22, 2016 deposition of Ghislaine Maxwell, designated Confidential under the Protective Order.

3. Attached as Exhibit B (filed under seal) are true and correct copies of communication between Mr. Gow and Ms. Maxwell Bates stamped GM\_01036-01044.

4. Attached as Exhibit C (filed under seal) are true and correct copies of media email inquiries requesting Ms. Maxwell's input Bates stamped GM\_01060-01068,00594.

5. Attached as Exhibit D (filed under seal) are true and correct copies of communications between Ms. Maxwell, Mr. Epstein and Mr. Barden Bates stamped GM\_01069-01072;01084-01099.

6. Attached as Exhibit E (filed under seal) are true and correct copies of Plaintiff's medical releases requesting healthcare information sent October 10, 2016 Bates stamped GIUFFRE009094-009102.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 24, 2016.

*s/ Laura A. Menninger*

\_\_\_\_\_  
Laura A. Menninger

### CERTIFICATE OF SERVICE

I certify that on October 24, 2016, I electronically served this *Declaration of Laura A. Menninger in Support of Defendant's Response in Opposition to Plaintiff's Motion to Compel Data from Defendant's (Non-Existent) Undisclosed Email Account and For an Adverse Inference Instruction* via ECF on the following:

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/s/ Nicole Simmons  
\_\_\_\_\_  
Nicole Simmons



# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

VIRGINIA L. GIUFFRE,

Plaintiff,

Case No.:

-against-

15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendants.

- - - - - x

\*\*CONFIDENTIAL\*\*

Videotaped deposition of GHISLAINE  
MAXWELL, taken pursuant to subpoena, was  
held at the law offices of BOIES  
SCHILLER & FLEXNER, 575 Lexington  
Avenue, New York, New York, commencing  
April 22, 2016, 9:04 a.m., on the above  
date, before Leslie Fagin, a Court  
Reporter and Notary Public in the State  
of New York.

- - -

MAGNA LEGAL SERVICES  
1200 Avenue of the Americas  
New York, New York 10026

1 G Maxwell - Confidential

2 Q. Is it your testimony that [REDACTED]  
3 [REDACTED] knows Jeffrey Epstein through the work  
4 that she does for you?

5 MR. PAGLIUCA: Objection to the  
6 form and foundation.

7 A. I don't recollect, and I don't  
8 recollect how I met [REDACTED] and I can't testify  
9 to what [REDACTED] relationship is or is not with  
10 Jeffrey.

11 Q. Have you ever talked to Jeffrey  
12 about [REDACTED]

13 A. I don't know what you mean.

14 Q. In any way, have you ever had a  
15 conversation with Jeffrey about [REDACTED]

16 A. In what context.

17 Q. In any context. Have you ever  
18 talked to Jeffrey Epstein about [REDACTED]

19 A. [REDACTED] works for me so it's entirely  
20 possible that in the course of conversations  
21 since 2002, 2003 that a conversation in which  
22 [REDACTED] name would have come up is entirely  
23 possible.

24 Q. I provided you with and I'm sorry,  
25 I don't know all the numbers, but the

1 G Maxwell - Confidential

2 statement that was issued by Ross Gow that  
3 should be a single page still in your stack  
4 of exhibits there.

5 MR. PAGLIUCA: Exhibit 10.

6 Q. Did you authorize Ross Gow to issue  
7 that statement on your behalf in January of  
8 2015?

9 A. I already testified that that was  
10 done by my lawyers.

11 Q. So did you authorize your lawyers  
12 to issue a statement on your behalf through  
13 Ross Gow in January of 2015?

14 A. It was determined that I had to  
15 make a statement in the United Kingdom  
16 because of the appalling lies and I just  
17 thought of some new ones.

18 Virginia's statement that I  
19 celebrated her 16 birthday with her. We can  
20 all agree that that's entirely impossible. I  
21 didn't meet her until she was 17 and other  
22 lies she perpetrated that she had a diary and  
23 we all know is a complete fake. That's not a  
24 diary. It was just a book she was writing  
25 that you helped sell to the press, as if it

1 G Maxwell - Confidential

2 was a diary, when it was just a story that  
3 she is writing of fiction, fictional story  
4 for money.

5 Q. How did you arrive at the words  
6 that were put in that statement?

7 MR. PAGLIUCA: I'm going to object  
8 and instruct you to the extent this  
9 calls for any privileged communications  
10 between yourself and Mr. Barden or  
11 another lawyer representing you, we're  
12 asserting privilege. If you can answer  
13 that without that, feel free to answer.

14 Q. So what your counsel is saying, and  
15 I will exclude any privileged communications  
16 you had with your lawyers.

17 The question is, how did you arrive  
18 at the words that were put in that statement,  
19 if you can tell me without disclosing  
20 privileged communications?

21 A. I'm not sure that I can.

22 Q. Is the statement that you issued  
23 true?

24 A. What do you mean by that?

25 Q. Is the statement that you issued,

1 G Maxwell - Confidential

2 Q. To become pregnant, did you or  
3 Jeffrey Epstein ever ask any female to become  
4 pregnant and carry Jeffrey Epstein's baby for  
5 you or for Jeffrey?

6 MR. PAGLIUCA: Objection to form  
7 and foundation.

8 A. You need to be very specific. I  
9 have no idea what you are talking about.  
10 That's completely rubbish.

11 Q. Did you or Jeffrey Epstein ask any  
12 female to become pregnant and carry his baby  
13 for either him or you?

14 MR. PAGLIUCA: Objection to the  
15 form and foundation. Go ahead.

16 A. I can't testify to anything Jeffrey  
17 did or didn't do when I am not present, but I  
18 have never asked anybody to carry a baby for  
19 me.

20 Q. Or anything along those lines?

21 MR. PAGLIUCA: Object to the form  
22 and foundation.

23 Q. I want to make sure we are talking  
24 about the same thing, not physically carry a  
25 baby, I mean become pregnant with a baby?



1 G Maxwell - Confidential

2 MR. PAGLIUCA: Objection to the  
3 form and foundation.

4 Q. I want to make sure we are clear.

5 A. I don't know what you are asking.

6 Q. That's why I want to make sure we  
7 are clear.

8 A. We are clear. I never asked  
9 anybody to carry a baby for me.

10 Q. Do you know if Jeffrey ever asked  
11 anybody to carry a baby for him?

12 A. I'm not going to characterize any  
13 conversation Jeffrey had with somebody else.

14 Q. You are not aware of that, is that  
15 your testimony?

16 A. I am testifying I never have and I  
17 will not testify for anything for Jeffrey.

18 Q. Did you ever hear Jeffrey ask  
19 anybody to carry a baby for him?

20 A. I don't recollect conversation  
21 about Jeffrey and babies in any form.

22 Q. Did Jeffrey ever tell he wanted to  
23 have a baby?

24 A. I don't recollect baby  
25 conversations with Jeffrey.

1 G Maxwell - Confidential

2 Q. So he never told you he wanted to  
3 have a baby?

4 A. I don't recollect any baby  
5 conversations with him saying he wanted to  
6 have a baby.

7 Q. Did you ever bring any females to  
8 the Dubin's house that were not your friends'  
9 children that were under the age of 18?

10 MR. PAGLIUCA: Objection to form  
11 and foundation.

12 A. I have never, to my knowledge,  
13 brought anybody under the age of 18 that's  
14 not a friend of my family or my nieces or  
15 nephews to the Dubin household.

16 Q. Earlier today you testified, I  
17 believe, that with respect to your town home  
18 Jeffrey paid for some of that and then gave  
19 you a loan, is that correct?

20 MR. PAGLIUCA: Objection to the  
21 form and foundation.

22 A. I said, actually I think it was a  
23 loan, I believe it was a loan.

24 Q. The whole thing?

25 A. As best as I can recollect.

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2 MR. PAGLIUCA: Objection to the  
3 form and foundation.

4 A. I was not coordinating with  
5 Jeffrey. He had details that I did not have.  
6 I was not party to his case. I needed to  
7 have information in order to be able to  
8 respond so I was not coordinating with him.  
9 I was merely asking for details that I could  
10 have.

11 Q. Did Jeffrey write any of your press  
12 statements for you?

13 A. No.

14 Q. He didn't draft any of them?

15 A. I have a lawyer who was working on  
16 this and that was -- I asked, I believe as I  
17 recollect asked him for information to make  
18 sure I was being accurate in the  
19 representations for whatever I was  
20 discussing.

21 Q. Did Jeffrey provide you with any  
22 drafts of statements to provide to the press?

23 A. I only recall drafts from my  
24 lawyer.

25 Q. I will mark this as Maxwell 17.

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2 (Maxwell Exhibit 17, email, marked  
3 for identification.)

4 Q. This is an email from you on  
5 January 10, 2015 to Philip Barden and Ross  
6 Gow. The statement you had before you  
7 earlier, that, if you can pull that in front  
8 of you, the one page press release that you  
9 gave. You might know from memory.

10 Was the press release that you  
11 issued with the statement about Virginia  
12 issued in or around January 2, 2015?

13 A. As best as I can recollect.

14 Q. I want to turn your attention to  
15 the document I just handed you which is Bates  
16 No. 001044, from you to Philip Barden and  
17 Ross Gow. It says in the first sentence, I'm  
18 out of my depth to understand defamation,  
19 other legal hazards and I don't want to end  
20 up in a lawsuit aimed at me from anyone, if I  
21 can help it. Apparently, even saying  
22 Virginia is a liar has hazards.

23 You knew at the time you called  
24 Virginia a liar in early January of 2015 that  
25 that was something that would result in a

1 G Maxwell - Confidential

2 lawsuit, is that correct?

3 MR. PAGLIUCA: Objection to the  
4 form and foundation.

5 A. I have legal advice that I took.

6 Q. But you knew in early January by  
7 making a statement calling Virginia a liar  
8 that you were subjecting yourself to a legal  
9 dispute with her?

10 MR. PAGLIUCA: Objection to the  
11 form and foundation.

12 A. I took legal advice as to what  
13 should be said and not be said and the legal  
14 advice that came from the United Kingdom  
15 was --

16 MR. PAGLIUCA: You are not allowed  
17 to talk about any legal advice that you  
18 got from anybody that's a lawyer.

19 A. Sorry.

20 Q. So is it correct without telling me  
21 what you talked to your lawyers about that  
22 you knew because this is dated January 10  
23 that when you made this statement in early  
24 January, January 2 of 2015 you knew that  
25 calling Virginia a liar would subject you to

1 G Maxwell - Confidential

2 a legal action, isn't that correct?

3 MR. PAGLIUCA: Objection to the  
4 form and foundation. As to what you  
5 knew -- whatever she knows would be  
6 privileged.

7 MS. McCAWLEY: I'm asking if she  
8 knows. I'm not asking her to tell me  
9 about her privileged communications.

10 A. All I can say is I asked a question  
11 and received legal advice.

12 (Maxwell Exhibit 18, email, marked  
13 for identification.)

14 Q. This is an email dated January 15,  
15 2015 from Jeffrey Epstein to you?

16 A. Uh-huh.

17 Q. It states in the first line, do you  
18 want [REDACTED] to come out and say she was the  
19 girlfriend during the time?

20 MR. PAGLIUCA: Objection to the  
21 form and foundation of the question and  
22 actually the word is [REDACTED], there  
23 is no vowel in there.

24 MS. McCAWLEY: I was just trying to  
25 pronounce it.



1 G Maxwell - Confidential

2 This will now end?

3 MR. PAGLIUCA: Objection to the  
4 form and foundation.

5 A. I have no idea.

6 Q. Did you discuss with him what he  
7 meant by the statement, This will now end?

8 A. I don't recall.

9 Q. Was he taking any action to ensure  
10 that, quote, this will now end?

11 A. I have no idea.

12 (Maxwell Exhibit 23, email, marked  
13 for identification.)

14 Q. This is an email from, if you look  
15 at the chain at the top, you will see it's  
16 from you to Jeffrey on January 27 and the  
17 email at the bottom of the chain is from  
18 Jeffrey to you on January 27.

19 He states, What happened to you and  
20 your statement, question mark, question mark.  
21 And you put at the top, I have not decided  
22 what to do.

23 A. Uh-huh.

24 Q. Why was Jeffrey interested in you  
25 making a statement to the press?

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2 MR. PAGLIUCA: Objection to the  
3 form and foundation.

4 A. I don't know that he was  
5 interested. We made a statement and then I  
6 was being advised to make an additional  
7 statement and I never did.

8 Q. Was Jeffrey communicating with you  
9 regularly on what additional statement you  
10 might make?

11 MR. PAGLIUCA: Objection to the  
12 form and foundation.

13 A. No, I've communicated with him very  
14 little, as little as possible.

15 Q. Why did you feel you had to keep  
16 him informed of statements you were making to  
17 the press?

18 MR. PAGLIUCA: Objection to the  
19 form and foundation.

20 A. I didn't feel I had to.

21 Q. Then why you were communicating  
22 with him about statements you were making to  
23 the press?

24 MR. PAGLIUCA: Objection to the  
25 form and foundation.

1 G Maxwell - Confidential

2 A. Insofar as this is the case, it's  
3 really all about Jeffrey, it's not a case  
4 about me.

5 Q. In 2009, did you direct your  
6 lawyer, either directly or indirectly, to  
7 tell Brad Edwards that you were unavailable  
8 to attend a deposition?

9 MR. PAGLIUCA: Objection to the  
10 form and foundation. And this is a  
11 privileged communication as I understand  
12 the question, what someone said or  
13 didn't say to their lawyer. So don't  
14 answer the question.

15 Q. Can you answer that question  
16 without revealing a privileged communication?

17 A. Can you ask the question again?

18 Q. In 2009, did you direct your lawyer  
19 to tell Brad Edwards that you were  
20 unavailable to attend a deposition?

21 MR. PAGLIUCA: Same instruction.

22 Q. Did you make any statement in 2009  
23 to anybody that you were unavailable to  
24 attend a deposition?

25 A. My mother was sick and I don't

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_/

**DECLARATION OF PAUL G. CASSELL IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO PROPOSED INTERVENOR ALAN M. DERSHWITZ'S MOTION  
FOR PERMISSIVE INTERVENTION**

I, Paul G. Cassell, declare that the below is true and correct to the best of my knowledge as follows:

**BACKGROUND**

1. I am a licensed attorney in the state of Utah. I am authorized to practice before this Court pursuant to this Court's Order granting my Application to Appear Pro Hac Vice.
2. I respectfully submit this Declaration in opposition to Proposed Intervenor Alan M. Dershowitz's Motion for Permissive Intervention and Unseal of Judicial Documents, or in the Alternative Modification of the Protective Order.
3. I am the Ronald N. Boyce Presidential Professor of Criminal Law and University Distinguished Professor of Law at the S.J. Quinney College of Law, where I teach criminal procedure, criminal, and crime victims' rights.

### THE FLORIDA CRIME VICTIMS RIGHTS ACT CASE

4. Since July 2008, I have been involved in important and precedent-setting crime victims' rights litigation in the Southern District of Florida trying to protect the rights of various victims under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771. Along with Florida co-counsel Bradley J. Edwards, I have been pursuing a federal case pro bono on behalf of two young women who were sexually abused as underage girls by Dershowitz's close personal friend – Jeffrey Epstein.

5. On July 7, 2008, Mr. Edwards filed an emergency petition to enforce the rights of “Jane Doe No. 1” and “Jane Doe No. 2” under the CVRA, 18 U.S.C. § 3771, alleging that the Government had failed to provide them rights with regard to a plea arrangement it was pursuing with Epstein. DE 1,<sup>1</sup> Jane Doe No. 1 and Jane Doe No. 2 v. United States, No. 9:08-cv-80736 (S.D. Fla.). As the case developed, it became clear that the U.S. Attorney's Office for the Southern District of Florida had concealed from Epstein's victims a non-prosecution agreement (NPA) that they had reached with Epstein.

6. During the litigation, Mr. Edwards and I have won several important victories for our clients, including a ruling that the CVRA can apply to protect crime victims' rights even before an indictment is filed. *See* Paul G. Cassell, Nathanael J. Mitchell & Bradley J. Edwards, *Crime Victims' Rights During Criminal Investigations? Apply the Crime Victims' Rights Act Before Criminal Charges are Filed*, 104 J. CRIM. L. & CRIMINOLOGY 58, 67-69 (2014) (describing litigation concerning Epstein).

7. In the course of that case, on October 11, 2011, the victims filed discovery requests with the Government, including requests specifically seeking information about

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<sup>1</sup> In this section of the Declaration, all references to docket entries will be to CVRA case in the Southern District of Florida, No. 9:08-cv-80736.

Dershowitz, Prince Andrew, and others. Further efforts from the Government to avoid producing any discovery followed (*see generally* DE 225-1 at 4-5),<sup>2</sup> ultimately leading to a further Court ruling in June 2013 that the Government should produce documents. DE 189. The Government then produced about 1,500 pages of largely irrelevant materials to the victims (DE 225-1 at 5), while simultaneously submitting 14,825 pages of relevant materials under seal to the Court. The Government claimed that these pages were “privileged” for various reasons, attaching an abbreviated privilege log.

8. While these discovery issues were pending, in the summer of 2014, Mr. Edwards and I contacted Government counsel to request their agreement to add two additional victims to the case, including Ms. Virginia Giuffre (who was identified in court pleadings as “Jane Doe No. 3”). Edwards and I sought to have her added to the case via stipulation, which would have avoided the need to include any detailed facts about her abuse. Weeks went by and the Government – as it had done on a similar request for a stipulation to add another victim – did not respond to counsel’s request for a stipulation.

9. Finally, on December 10, 2014, despite having had four months to provide a position, the Government responded by email to counsel that it was seeking more time, indicating that the Government understood that victims’ counsel might need to file a motion with the court on the matter immediately. DE 291 at 3-5. Rather than file a motion immediately, victims’ counsel waited and continued to press the Government for a stipulation. *See id.* at 5. Finally, on December 23, 2014 – more than four months after the initial request for a stipulated joinder into the case – the Government tersely indicated its objection, without indicating any

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<sup>2</sup> Jeffrey Epstein also attempted to block discovery of materials, leading to an Eleventh Circuit ruling that the victims’ discovery efforts were proper. *Doe v. Epstein*, 749 F.3d 999 (11th Cir. 2014).

reason: “Our position is that we oppose adding new petitioners at this stage of the litigation.” See DE 291 at 5.

10. Because the Government now contested the joinder motion, Edwards and I prepared a more detailed pleading explaining the justification for granting the motion. One week after receiving the Government’s objection, on December 30, 2014, Ms. Giuffre (i.e., Jane Doe No. 3) and Jane Doe No. 4 filed a motion (and later a corrected motion) seeking to join the case. DE 279 and DE 280. Uncertain as to the basis for the Government’s objection, the motion briefly proffered the circumstances that would qualify the two women as “victims” eligible to assert rights under the CVRA. *See* 18 U.S.C. 3771(e) (defining “crime victim” protected under the Act). With regard to Ms. Giuffre, the motion indicated that when she was a minor, Jeffrey Epstein had trafficked her to Dershowitz and Prince Andrew (among others) for sexual purposes. Jane Doe No. 3 stated that she was prepared to prove her proffer. *See* DE 280 at 3 (“If allowed to join this action, Jane Doe No. 3 would prove the following . . . .”). The motion also provided specific reasons why Jane Doe No. 3’s participation was relevant to the case, including the pending discovery issues regarding Dershowitz and Prince Andrew. DE 280 at 9-10 (explaining several reasons participation of new victims was relevant to existing issues).

11. After the motion was filed, various news organizations published articles about it. Dershowitz also made numerous media statements about the filing, including calling Jane Doe No. 3 “a serial liar” who “has lied through her teeth about many world leaders.” <http://www.cnn.com/2015/01/06/us/dershowitz-sex-allegation/>. Dershowitz also repeatedly called Edwards and me “two sleazy, unprofessional, disbarable lawyers.” *Id.* He made many similar remarks of an equivalent character, and also stated in media appearance that if we had



done one hour of work investigating Ms. Giuffre's allegations of sexual abuse against him, we would have immediately seen that those allegations were false.

12. On January 5, 2015, Dershowitz filed a motion to intervene to argue to have the allegations stricken. DE 282. Dershowitz also argued that Ms. Giuffre had not provided a sworn affidavit attesting to the truth of her allegations.

13. On January 21, 2015, Edwards and I filed a response for our clients, Ms. Giuffre and Jane Doe No. 4. DE 291. The response enumerated nine specific reasons why Ms. Giuffre's specific allegations against Dershowitz were relevant to the case, including the fact that Ms. Giuffre needed to establish that she was a "victim" in the case, that pending discovery requests concerning Dershowitz-specific documents were pending, and that Dershowitz's role as a defense attorney in the case was highly relevant to the motive for the Government and defense counsel to conceal the plea deal from the victims. DE 291 at 17-26 & n.17. The response included a detailed affidavit from Ms. Giuffre about the sexual abuse she had suffered from Epstein, Dershowitz, and other powerful persons. DE 291-1.

14. On February 6, 2015, Edwards and Cassell filed a further pleading (and affidavit from Ms. Giuffre, *see* DE 291-1) in support of her motion to intervene.

15. On April 7, 2015, Judge Marra denied Ms. Giuffre's motion to join the case. Judge Marra concluded that "at this juncture in the proceedings" details about the sexual abuse she had suffered was unnecessary to making a determination "of whether Jane Doe 3 and Jane Doe 4 should be permitted to join [the other victims'] claim that *the Government* violated their rights under the CVRA. The factual details regarding with whom and where the Jane Does engaged in sexual activities are impertinent to this central claim (i.e., that they were known victims of Mr. Epstein and the Government owed them CVRA duties), especially considering

that the details involve non-parties who are not related to the respondent Government.” DE 324 at 5 (emphasis in original). While Judge Marra struck those allegations, he emphasized that “Jane Doe 3 is free to reassert these factual details through proper evidentiary proof, should [the victims] demonstrate a good faith basis for believing that such details are pertinent to a matter presented for the Court’s consideration. Judge Marra then denied Ms. Giuffre’s motion to join the case, but allowed her to participate as trial witness: “The necessary ‘participation’ of [Ms. Giuffre] . . . in this case can be satisfied by offering . . . properly supported – and relevant, admissible, and non-cumulative – testimony as needed, whether through testimony at trial . . . or affidavits supported in support [of] the relevancy of discovery requests.” DE 324 at 8 (emphasis deleted).

16. In a later supplemental order, Judge Marra stated that the victims “may re-refile these documents omitting the stricken portions.” DE 325. The victims have since refiled these documents.

17. The CVRA case continues to be litigated, and the victims filed a comprehensive motion for summary judgment earlier this year. *See* DE 361 (filed Feb. 10, 2016; government response not yet filed).

### **THE FLORIDA DEFAMATION CASE**

18. In about early January 2015, following the filing of Ms. Giuffre’s motion to join the CVRA case, Dershowitz launched a media attack not only on Ms. Giuffre but also on Mr. Edwards and me. Dershowitz repeatedly and publicly attacked the two of us, saying such things as “if these lawyers, these sleazy unprofessional, unethical lawyers, Paul Cassell and Brad Edwards, if they had just done an hours’ worth of research and work, they would have seen she is lying through her teeth.”

<http://www.cnn.com/videos/world/2015/01/05/wrn-uk-sex-abuse-allegations-alan-dershowitz-intv.cnn>.

19. Rather than try these questions in the media, Mr. Edwards and I filed a defamation action in Florida against Dershowitz. We were represented by well-known Florida attorney Jack Scarola.

20. During the course of the defamation action, I explained the significant work – far in excess of one hour – that Mr. Edwards and I had done to investigate Ms. Giuffre’s sworn allegations that Dershowitz had repeatedly sexually abused her. I explained that work at length in my deposition in the case. Attached hereto as Sealed Exhibit 1 is a true and correct copy of the first day of my deposition testimony in the case. Pages 61-117 explain some of the work that Mr. Edwards and I did to corroborate Ms. Giuffre’s allegations before filing them in the CVRA case.

21. My deposition testimony includes the following information that Mr. Edwards and I relied upon in believing the truth of Giuffre’s allegations:

- a. The Palm Beach Police Department put together an 87-page report based on witness interviews and other evidence documenting sexual abuse of dozens of minor girls occurring in Epstein’s Florida mansion – a location where Ms. Giuffre said Dershowitz had abused her;
- b. The Palm Beach police report showed the sexual abuse was occurring on a daily basis and, indeed, in some cases as much as two or three times in one day in circumstances that would have made it obvious to a visiting guest that young girls were coming to the home for sexual purposes;
- c. Flight logs for Epstein’s private jet showed that Epstein (accompanied by Ms. Maxwell) flew Ms. Giuffre to the New York City area, a location where Ms. Giuffre said Dershowitz had abused her;

- d. Epstein's flight logs appeared to be disguising the identity of all of the passengers on Epstein's plane by using such notations as "one female."
- e. A very well-regarded Florida lawyer (Bob Josefsberg), who was selected by the U.S. Government to represent the victims of Epstein's sexual abuse, had found Ms. Giuffre to be credible and in 2009 filed a civil complaint for her alleging not only sex abuse by Epstein but also by "academicians" -- a group into which Dershowitz fell;
- f. Shortly after Josefsberg filed the complaint for Ms. Giuffre alleging "academicians" had abuse her, one of Josefsberg's partners, Ms. Ezell, began conducting depositions in Epstein-related cases asking about Dershowitz's awareness of sexual abuse;
- g. Dershowitz showed up on flight logs for Epstein's private jet, including a flight with an (apparently young) woman named "Tatiana" who did not appear to serve any business purpose for Epstein;
- h. When asked about Dershowitz, Epstein took the Fifth rather than indicate that Dershowitz was not involved in any criminal activities -- a fact from which an obvious adverse inference could be drawn that Dershowitz was, indeed, involved in Epstein's crimes;
- i. In moving down from the top of Epstein's criminal conspiracy to the next echelon, three women -- Sarah Kellen, Adrianna Mucinska, and Nadia Marcinkova -- *all* took the Fifth when asked about Dershowitz's awareness of Epstein's sexual abuse of underage girls or whether Dershowitz was involved in massages with young girls;

- j. Kellen, Mucinska, and Marcinkova were all covered by a highly unusual non-prosecution agreement (negotiated by, among others, Epstein defense attorney Alan Dershowitz) that provided immunity from prosecution for sex trafficking not only to Epstein but also to his “potential co-conspirators”;
- k. One of Epstein’s household employees, Juan Alessi, said that Dershowitz visited Epstein’s Palm Beach mansion four or five times a year, staying two or three days when he went there – and Alessi was able to identify a photograph of Ms. Giuffre as someone who was at the mansion at the same time as Dershowitz;
- l. Another Epstein household employee, Alfredo Rodriguez, said that during the time of his employment (2005), Dershowitz visited Epstein’s mansion at the same time as “massages” by underage girls were occurring in the mansion;
- m. When Rodriguez was arrested by the FBI trying to sell Epstein’s “little black book” of contacts and phone numbers, he appeared to have circled the name of Alan Dershowitz as someone who had information about Epstein criminal activities;
- n. Dershowitz had indicated in 2003 that he was an extremely close friend of Epstein – indeed, that the only person outside his immediate family with whom he shared drafts of his books was Epstein;
- o. Attempts had been made to depose Dershowitz or otherwise obtain information from him about his knowledge of Epstein’s sexual abuse in 2009, 2011, 2013, and January 2015, and he had avoided all those efforts;

- p. Dershowitz had told the Palm Beach Police Department that he was going to make Epstein available to answer questions about sex abuse of underage girls, but then repeatedly rescheduled those meetings, ultimately never producing Epstein – a pattern of deception that appeared to be designed to deliberately delay the investigation;
- q. Dershowitz’s pattern of avoiding depositions (and helping Epstein avoid questioning) was consistent with a pattern of other persons who were involved in Epstein’s international sex trafficking organization evading efforts to obtain information from them;
- r. Ms. Giuffre had alleged abuse by other powerful friends of Epstein, including Prince Andrew, and there was a photograph showing Prince Andrew with his arm around Ms. Giuffre apparently taken in London (where she said the sex abuse had taken place).

Sealed Exhibit 1, Depo. of Paul Cassell (Oct. 16 & 17, 2015), at 61-117.

22. Ms. Giuffre was not a party to the litigation between Dershowitz, Mr. Edwards, and me.

23. During the course of the litigation, however, Dershowitz sought to obtain discovery from Ms. Giuffre. In particular, Dershowitz sought to obtain from Ms. Giuffre (a non-party to the action) all of her emails with the media. The Court denied his discovery request. Attached hereto as Sealed Exhibit 2 is a true and correct copy of the court’s order denying that discovery.

24. Dershowitz produced many documents in the course of discovery in that case – and, ironically, he placed many document under a protective order in Florida. Attached hereto as

Sealed Exhibit 3 is a true and correct copy of the court's protective order, which Dershowitz used to keep documents under seal.

25. On January 16, 2016, Dershowitz took Ms. Giuffre's deposition. As noted earlier, Ms. Giuffre recounted in detail repeated acts of sexual abuse by Dershowitz. *See* McCawley Dec., Ex. 4 at 88-91.

26. Ultimately, Dershowitz settled the defamation case. That settlement included both a public statement and confidential monetary payments. As part of the settlement, Edwards and I withdrew our allegations against Dershowitz in the defamation case contained in the then-pending summary judgment motion and Dershowitz withdrew his allegations of unethical conduct, as reflected in the Notice of Withdrawal of Motion for Partial Summary Judgment attached hereto as Sealed Exhibit 4.

27. As Mr. Edwards and I explained in the notice of withdrawal of this motion, "the withdrawal of the referenced filings is not intended to be, and should not be construed as being, an acknowledgement by Edwards and Cassell that the allegation made by Ms. Giuffre were mistaken. Edwards and Cassell do acknowledge that the public filing in the Crime Victims' Rights Act case of their client's allegation against Defendant Dershowitz became a major distraction from the merits of the well-founded Crime Victims' Rights Act by causing delay and, as a consequence, turned out to be a tactical mistake." *Id.*

28. Contrary to representations made by Dershowitz in his brief (DEC ¶24 at pg. 5), in settling our personal defamation case against Dershowitz, Edwards and I have *never* reached any conclusion that Ms. Giuffre – our client -- was mistaken in her allegations that Dershowitz sexually abused her.



I declare under penalty of perjury that the foregoing is true and correct.

/s/ Paul G. Cassell  
Paul G. Cassell, Esq.

Dated: August 29, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Meredith Schultz  
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<sup>3</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 29, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Meredith Schultz  
Meredith Schultz

# **EXHIBIT A**

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

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**PLAINTIFF'S RESPONSE AND OBJECTIONS TO DEFENDANT'S  
FIRST SET OF DISCOVERY REQUESTS TO PLAINTIFF**

Plaintiff hereby serves her responses and objections to Defendant's First Set of  
Discovery Requests.

**GENERAL OBJECTIONS**

Defendant's First Set of Discovery Requests violates Local Civil Rule 33.3. Defendant has served interrogatories that are in direct violation of that Rule because the interrogatories are not "restricted to those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature." Local Civil Rule 33.3(a). Instead, they seek information under subsections (b) and (c) of Local Civil Rule 33.3, and therefore, they should not be served because they are not "a more practical method of obtaining the information sought than a request for production or a deposition," and because they were served in advance of the period "30 days prior to the discovery cut-off date." Local Civil Rule 33.3(b), (c). The interrogatories you served violate Local Rule 33.3 and we ask

that you immediately withdraw those interrogatories. *See* Rule 33.3, Local Rules for the Southern District of New York; *see also Shannon v. New York City Transit Auth.*, No. 00 CIV. 5079 (Sweet, J.), 2001 WL 286727, at \*3 (S.D.N.Y. Mar. 22, 2001); accord *Gary Friedrich Enterprises, LLC v. Marvel Enterprises, Inc.*, No. 08 CIV. 1533 BSJ JCF, 2011 WL 1642381, at \*4 (S.D.N.Y. Apr. 26, 2011). Specifically, Rule 33.3 provides:

- (a) Unless otherwise ordered by the Court, at the commencement of discovery, interrogatories will be restricted to those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature.
- (b) During discovery, interrogatories other than those seeking information described in paragraph (a) above may only be served (1) if they are a more practical method of obtaining the information sought than a request for production or a deposition, or (2) if ordered by the Court.
- (c) At the conclusion of other discovery, and at least 30 days prior to the discovery cut-off date, interrogatories seeking the claims and contentions of the opposing party may be served unless the Court has ordered otherwise.

Similarly, Requests for Production numbers 1, 2, 4, 6(i), 9, 12, 30, 35 and 37 also violate Local Rule 33.3 in that they rely on the offending interrogatory requests. The Rule provides that a party must first try to obtain discovery through document production and testimony. Discovery does not close in this case until July 1, 2016, and Defendant has not yet noticed a deposition. As such, these interrogatories violate Local Rule 33.3 and are premature.

Defendant's First Set of Discovery Requests also violates Rule 33, Fed. R. Civ. P., which provides "a party may serve on any other party no more than 25 interrogatories, including all discrete subparts" – in that Defendant has served a total of 59 interrogatories, including subparts, in violation of Rule 33. We ask that you immediately withdraw those interrogatories that exceed the 25 interrogatory limit set by Rule 33.

Ms. Giuffre objects to Defendant's First Set of Discovery Requests to the extent they seek information that is protected by any applicable privilege, including but not limited to, attorney client privilege, work product privilege, joint defense/common interest privilege, agency privilege, investigative privilege, spousal privilege, doctor/patient privilege, accountant/client privilege, and any other applicable privilege.

Ms. Giuffre objects to the requests to the extent Defendant's First Set of Discovery Requests call for the production of documents or information that is already in the possession, custody, or control of the Defendant. Ms. Giuffre further objects to the requests to the extent that Defendant's First Set of Discovery Requests is duplicative of documents and information that can equally or more readily be obtained by the Defendant.

Ms. Giuffre objects to the requests to the extent that they seek documents that are not relevant, material, or necessary to this action and, thus, are not reasonably calculated to lead to the discovery of admissible evidence. Many of the requests in the Defendant's First Set of Discovery seek documents that are in no way limited to their relation to this case. Indeed, they seek documents that are not important to resolving the issues; documents that are not relevant to any party's claim or defense; and documents that are not proportional to the needs of the case. Such requests create a heavy burden on Ms. Giuffre that outweighs any benefit. Such discovery is prohibited by the Federal Rules of Civil Procedure, particularly under the 2015 amendments to Rule 26(b)(1), Fed. R. Civ. P., and is wholly inappropriate.

Ms. Giuffre objects to the requests to the extent that they are overly broad and unduly burdensome, as individually logging all privileged responsive documents would be overly burdensome. Plaintiff contends that requests targeting such privileged information are overly broad under Rule 26(b)(1), Fed. R. Civ. P. Specifically, Ms. Giuffre objects to the requests as

overly burdensome to the extent that they would require logging voluminous and ever-increasing privileged communications between Ms. Giuffre and her counsel after the date litigation commenced on September 21, 2015. Ms. Giuffre objects to the requests as overly burdensome to the extent that they would require logging voluminous privileged documents between Ms. Giuffre and her counsel related to *Jane Doe #1 and Jane Doe #2 v. United States*, Case no. 08-80736-CIV-Marra, pending in the Southern District of Florida; *Bradley Edwards and Paul Cassell v. Alan Dershowitz*, Case no. CACE 15-000072, pending in the Seventeenth Judicial Circuit, Broward County, Florida; and *Jane Doe No. 102 v. Jeffrey Epstein*, Case No. 09-80656-CIV-Marra/Johnson (Southern District of Florida). Accordingly, due the undue burden of individually logging responsive privileged documents related to Defendant's overly broad requests, Plaintiff has employed categorical logging of such privileged responsive documents pursuant to Local Civil Rule 26.2(c).

Ms. Giuffre objects to the requests in that they seek to invade her privacy for the sole purpose of harassing and intimidating Ms. Giuffre who was a victim of sexual trafficking. Ms. Giuffre objects to the requests to the extent they are overly broad and unduly burdensome.

Ms. Giuffre objects to Defendant's definition of "your attorneys" because it includes names of attorneys that do not represent her, including Spencer Kuvin and Jack Scarola.

Ms. Giuffre's responses to Defendant's First Set of Discovery Requests are being made after reasonable inquiry into the relevant facts, and are based only upon the information and documentation that is presently known to her. Ms. Giuffre reserves the right to modify and/or supplement her responses. Ms. Giuffre is producing documents and information herewith, and she will continue to review and produce relevant documents until completion.

Ms. Giuffre incorporates her above-listed general objections in the responses herein.



**INTERROGATORIES**

1. State:
  - a. Your present residential address;
  - b. Each residential address You have had since 1998, including any residential treatment facilities;
  - c. the dates You lived at each address;
  - d. the other Persons who lived with You at each address and for what period of time they lived at such address.

**Response to Interrogatory One:**

Ms. Giuffre objects to this interrogatory in part because it violates Rule 33.3. Ms. Giuffre objects to this interrogatory in that it seeks information that is sought by Defendant only to harass and intimidate Ms. Giuffre who was a victim of sexual trafficking.

- a. Due to safety concerns with respect to Ms. Giuffre and her minor children, she is not at liberty to reveal her present residential location. To ensure that Defendant is not prejudiced by the failure to provide information about Ms. Giuffre's specific residential location, Ms. Giuffre agrees to have her attorney's accept service on her behalf of any necessary communication or filings in this matter to be addressed to: Sigrid McCawley, Esq. Boies Schiller & Flexner LLP, 401 East Las Olas Blvd., Suite 1200, Fort Lauderdale, FL 33316.
- b. Ms. Giuffre can recall living at the following addresses during the period of 1998 to the present. Ms. Giuffre may have lived at other locations for which she does not presently have the address. Ms. Giuffre is providing the

information she has presently to the best of her recollection and will supplement to the extent she obtains additional information responsive to this interrogatory.

c. Ms. Giuffre believes she has lived at the following residences:

- In January 1998, Ms. Giuffre was 14 years old. Ms. Giuffre recalls one facility named “Growing Together” that was located in or around Palm Beach, but she does not recall the dates when she resided at the facility.
- Ms. Giuffre lived and travelled with Jeffrey Epstein and stayed at his various mansions in New York, Palm Beach, New Mexico (Zorro Ranch), and U.S.V.I.
- Jeffrey Epstein also rented a residence for Ms. Giuffre in Royal Palm Beach, the exact address and dates of rental are in the possession, custody and control of Jeffrey Epstein. Tony Figueroa, James Michael Austrich and a few other individuals for whom Ms. Giuffre cannot recall the names of, stayed with her from time to time at the residence that Jeffrey Epstein rented.
- Ms. Giuffre’s parents’ address was 12959 Rackley Road, Loxahatchee, Florida 33470, and she lived there from time to time with her family.
- 2C Quentin St. Basshill NSW in approximately 2003, but she is not certain of that date. At this location, Ms. Giuffre lived with Robert Giuffre.

- N. Paramentata, NSW from approximately 2003 - 2005, but she is not certain of those dates. At this location, Ms. Giuffre lived with Robert Giuffre.
- Blue Bay, NSW from approximately 2005 - 2008 but is not certain of those dates. At this location, Ms. Giuffre lived with Robert Giuffre.
- 3 Elk St., NSW from approximately 2008 - 2009 but is not certain of those dates. At this location, Ms. Giuffre lived with Robert Giuffre.
- 50 Robertson Road, Basshill, NSW, but is not certain of the date. At this location, Ms. Giuffre lived with Robert Giuffre.
- 50 Bondeena Rd., Glenning Valley, NSW from approximately 2009 - 2013 but is not certain of those dates. At this location, Ms. Giuffre lived with Robert Giuffre.
- 5035 Winchester Drive, Titusville, FL from approximately 2013 to 2014 but is not certain of those dates. At this location, Ms. Giuffre lived with Robert Giuffre.
- 1270 J. Street, Penrose, CO 81240, from approximately 2014 – 2015. At this location Ms. Giuffre lived with Robert Giuffre.

2. Identify any email address, email account, cellphone number and cellphone provider, social media account and login or screen name, text or instant messaging account name and number, that You have used, applied for or been supplied between 1998 and the present.

**Response to Interrogatory No. 2**

Ms. Giuffre objects to this request in that it violates Rule 33.3. Ms. Giuffre objects to this request in that it is overly broad and seeks information solely to harass and intimidate Ms. Giuffre.

For the period of 1998 to the present Ms. Giuffre provides the following information. During the time period that she was sexually trafficked by Jeffrey Epstein and the defendant, the defendant provided Ms. Giuffre with a cellphone so that she could be reached by the Defendant and Jeffrey Epstein at any time. Defendant is in possession of the information relating to this cellphone that she provided to Ms. Giuffre. Ms. Giuffre is responding with the information she can presently recall, but to the extent she obtains additional information she will supplement this response. Ms. Giuffre's e-mail address is [REDACTED] She can recall having the following cell number [REDACTED] Ms. Giuffre had a Facebook account for a short time but it is no longer active.

3. Identify each attorney who has represented you from 1998 to the present, the dates of any such representation, and the nature of the representation.

**Response to Interrogatory No. 3**

Ms. Giuffre objects to this interrogatory as it seeks privileged information relating to her representation by attorneys. Ms. Giuffre responds that she has been represented by the following attorneys: Bob Josefsberg and members of his firm; Stan Pottinger, Brad Edwards from Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.; Paul Cassell, a Professor of Criminal Law at the S.J. Quinney College of Law at the University of Utah; David Boies and Sigrid McCawley of Boies Schiller & Flexner LLP.

4. Identify each Communication, including the transmission of any Document, that You or Your Attorneys have had with any local, state or federal law enforcement agent or agency, whether in the United States or any other country, whether in Your capacity as a purported victim, witness, or perpetrator of any criminal activity, and whether as a juvenile or as an adult, including without limitation:

- a. the date of any such Communication;
- b. the form of any such Communication, whether oral or written and if written, the format of any such Communication;
- c. the identities of all persons involved in the Communication, including the identity of the law enforcement agency with whom the agent is or was affiliated;
- d. the case number associated with any such Communication;
- e. the subject matter of any such Communication;
- f. the disposition of any case associated with any such Communication, irrespective of whether the matter was sealed, expunged or later dismissed.

**Response to Interrogatory No. 4**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects to this interrogatory in that it seeks protected information regarding confidential investigations. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre responds as follows: Ms. Giuffre met with the FBI on or about March 17, 2011. Ms. Giuffre also corresponded with Maria Villafano from the U.S. Attorney's office and that correspondence has been produced. As to other investigations by law enforcement, Ms. Giuffre objects as this seeks information covered by the investigative privilege.

5. Identify each Communication that You or Your Attorneys have had with any author, reporter, correspondent, columnist, writer, commentator, investigative journalist,

photojournalist, newspaper person, freelance reporter, stringer, or any other employee of any media organization or independent consultant to the same, including:

- a. the date of any such Communication;
- b. the form of any such Communication, whether oral or written and if written, the format of any such Communication;
- c. the identities of all persons involved in such Communication, including the identity of the media organization with whom the agent is or was affiliated;
- d. the article title, date of publication, and means of publication of any article, report, or re-printing of any such Communication made by You or Your Attorneys;
- e. the amount of Income that You and/or Your Attorneys received in exchange for any such Communication;
- f. the dates on which You and/or Your Attorneys received any such Income for any such Communication.

**Response to Interrogatory No. 5**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects in that this request is overly broad and unduly burdensome.

6. Identify any “false statements” attributed to Ghislaine Maxwell which were “published globally, including within the Southern District of New York” as You contend in paragraph 9 of Count 1 of Your Complaint, including:

- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication; and
- e. the nature of the publication, whether in print, internet, broadcast or some other form of media.

**Response to Interrogatory No. 6**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre further objects because the information requested above is in the possession of Defendant who has failed to comply with her production obligations in this matter.

7. State whether You believe that You have ever been defamed by anyone other than Ghislaine Maxwell. If so, as to each alleged act of Defamation, state

- a. the exact false statement;
- b. the date of its publication;



- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication; and
- e. the nature of the publication, whether in print, internet, broadcast or some other form of media.

**Response to Interrogatory No. 7**

Ms. Giuffre objects to this request in that it violates Local Rule 33.3. Ms. Giuffre objects to this request in that it seeks information protected by the attorney client and work product privileges. Ms. Giuffre objects to this interrogatory in that it is not limited in time or to the subject nature of this litigation.

8. Identify the individuals referenced in Your pleadings filed in the U.S. District Court for the Southern District of Florida, *Jane Doe 1 and Jane Doe 2 v. United States of America*, 08-cv-80736-KAM, as the “high-profile non-party individuals” to whom Mr. Jeffrey Epstein sexually trafficked You, “including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders,” including as to each episode of alleged sexual trafficking:

- a. the date of any such sexual trafficking;
- b. the location of any such sexual trafficking;
- c. any witnesses to any such sexual trafficking;
- d. any Income You received in exchange for such sexual trafficking; and
- e. any Documents You have to support or corroborate Your claim of such sexual trafficking.

**Response to Interrogatory No. 8**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Additionally, Ms. Giuffre objects to this interrogatory because naming some such individuals would jeopardize her physical safety based on credible threats to the same. Ms. Giuffre refers to the list of witnesses identified in her Revised Rule 26 Disclosures.

9. Identify any Employment You have had from 1996 until the present, including without limitation, the name of Your employer or the name of any Person who engaged You for such Employment, the address and telephone number for any such Employment, the beginning and ending dates of any such Employment, Your job title in such Employment, and Your Income from such Employment.

**Response to Interrogatory No. 9**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects to this request in that it is overly broad and unduly burdensome, and seeks information that is not relevant to this case.

10. Identify any Income from any source other than Your Employment that You have received from January 1, 1996 until the present, including the Person or entity providing such Income, the amount of the Income, the dates on which any such Income was received, and

the nature of the Income, whether a loan, investment proceeds, legal settlement, asset sale, gift, or other source.

**Response to Interrogatory No. 10**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects to this request in that it is overly broad and seeks confidential financial information. Ms. Giuffre objects to this interrogatory in that it seeks information covered by confidentiality provisions. Ms. Giuffre objects to this information in that any payment information for the sexual trafficking she endured at the hands of Jeffrey Epstein and Ghislaine Maxwell is in the possession, custody and control of the Defendant and Jeffrey Epstein.

11. Identify any facts upon which You base Your contention that You have suffered as a result of the Alleged Defamation by Ghislaine Maxwell “past and future lost wages and past and future loss of earning capacity and actual earnings – precise amounts yet to be computed, but not less than \$5,000,000.”

**Response to Interrogatory No. 11**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects to this interrogatory in that it prematurely seeks expert witness disclosures. Ms. Giuffre incorporates by reference herein her Revised Rule 26 disclosures, which includes her computation of damages.

12. Identify any Health Care Provider from whom You received any treatment for any physical, mental or emotional condition, that You suffered from subsequent to any Alleged Defamation by Ghislaine Maxwell, including:

- a. the Health Care Provider’s name, address, and telephone number;

- b. the type of consultation, examination, or treatment provided;
- c. the dates You received consultation, examination, or treatment;
- d. whether such treatment was on an in-patient or out-patient basis;
- e. the medical expenses to date;
- f. whether health insurance or some other person or organization or entity has paid for the medical expenses; and
- g. for each such Health Care Provider, please execute the medical and mental health records release attached hereto as Exhibit A.

**Response to Interrogatory No. 12**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects to this request in that it is overbroad and seeks confidential medical information of a sex abuse victim and is not limited in scope to the issues in this case. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege.

13. Identify any Health Care Provider from whom You received any treatment for any physical, mental or emotional condition, including addiction to alcohol, prescription or illegal drugs, that You suffered from prior to the Alleged Defamation by Ghislaine Maxwell, including:

- a. the Health Care Provider's name, address, and telephone number;
- b. the type of consultation, examination, or treatment provided;
- c. the dates You received consultation, examination, or treatment;
- d. whether such treatment was on an in-patient or out-patient basis;
- e. the medical expenses to date;

- f. whether health insurance or some other person or organization or entity has paid for the medical expenses; and
- g. For each such Health Care Provider, please execute the medical and mental health records release attached hereto as Exhibit A.

**Response to Interrogatory No. 13**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects to this request in that it is overbroad and seeks confidential medical information of a sex abuse victim and is not limited in scope to the issues in this case. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects to this request in that it is not limited in scope to the medical information relating to the abuse she suffered from Defendant and Jeffrey Epstein.

14. Identify any Person who You believe subjected You to, or with whom You engaged in, any illegal or inappropriate sexual contact, conduct or assault prior to June 1999, including the names of the individuals involved, the dates of any such illegal or inappropriate sexual contact, conduct or assault, whether Income was received by You or anyone else concerning such event, whether a police report was ever filed concerning such event and the outcome of any such case, as well as the address and location of any such event.

**Response to Interrogatory No. 14**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects to this request in that it is overbroad and seeks confidential medical information of a sex abuse victim. Ms. Giuffre objects to this request in that it seeks sexual assault information for a

period prior to the sexual abuse at issue in this matter for a period when she was a minor child from the time Ms. Giuffre was born until she was 15. Ms. Giuffre objects to this request in that it is sought solely to harass, and intimidate Ms. Giuffre who is a victim of sexual abuse by the defendant.

### **REQUESTS FOR PRODUCTION**

**1. All Communications and Documents identified in Interrogatories 1-14, above.**

#### **Response to Request No. 1**

Ms. Giuffre objects to this request in that Defendant's interrogatories violate Local Rule 33.3. Ms. Giuffre objects to this request in that it seeks information that is protected by the attorney client, work product, joint defense, investigative, spousal and other applicable privileges. Ms. Giuffre objects to this request in that it is overly broad, incorporating the interrogatories that total 59 subparts. Ms. Giuffre objects to this request in that it seeks to invade the privacy rights of a sex abuse victims, and is meant for the improper purpose of harassing and intimidating this victim. Subject to the forgoing objections Ms. Giuffre produces herewith non-privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production. Ms. Giuffre is withholding documents based on her objections.

**2. All Documents reviewed or relied upon in answering Interrogatory Nos. 1-14 above.**

#### **Response to Request No. 2**

Ms. Giuffre objects to this request in that defendant's interrogatories violate Local Rule 33.3. Ms. Giuffre objects to this request in that it seeks information that is protected by the attorney client, work product, joint defense, investigative, spousal and other applicable

privileges. Ms. Giuffre objects to this request in that it is overly broad incorporating the interrogatories that total 59 subparts. Ms. Giuffre objects to this request in that it seeks to invade the privacy rights of a sex abuse victims and is meant for the improper purpose of harassing and intimidating this victim. Subject to the forgoing objections Ms. Giuffre has produced non-privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production. Ms. Giuffre is withholding documents based on her objections.

**3. All Documents from any law enforcement agency, whether local, state or federal, whether in the United States or elsewhere, which concern or relate to You in any way. These Documents should include, without limitation, any witness statements, including statements made by You.**

**Response to Request No. 3**

Ms. Giuffre objects to this request in that it seeks information that is protected by the attorney client, work product, joint defense, investigative, spousal and other applicable privileges. Ms. Giuffre objects to this request in that it is not limited in time period. Subject to the forgoing objections, Ms. Giuffre has produced non-privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production. Ms. Giuffre is withholding documents based on her objections.

**4. All Documents reflecting any letter of engagement, any fee agreement, or any other type of writing reflecting an engagement of any attorney identified in response to Interrogatory No. 3.**

**Response to Request No. 4**

Ms. Giuffre objects to this request in that it seeks information that is protected by the



attorney client, work product, joint defense and other applicable privileges. Ms. Giuffre is withholding documents based on this objection.

**5. All Documents relating to any Communications occurring from 1998 to the present with any of the following individuals or with their attorneys, agents or representatives:**

- a. Jeffrey Epstein;**
- b. Ghislaine Maxwell**
- c. Any witness disclosed in Plaintiff's Rule 26(a) disclosures;**
- d. Any witness identified by You in response to Interrogatory No. 8 and No. 14;**
- e. Sky Roberts;**
- f. Lynn Roberts;**
- g. Kimberley Roberts;**
- h. Daniel LNU, half-brother of Plaintiff;**
- i. Carol Roberts Kess;**
- j. Philip Guderyon;**
- k. Anthony Valladares;**
- l. Anthony Figueroa;**
- m. Ron Eppinger**

**Response to Request No. 5**

Ms. Giuffre objects to this request in that it is overly broad seeking documents relating to **over 60 individuals**. Ms. Giuffre objects because compliance with this request is unduly burdensome. Ms. Giuffre objects to this request in that documents responsive to this request are

within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre. Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, investigative or any other applicable privilege. Ms. Giuffre objects to this request in that it is sought solely to harass and intimidate Ms. Giuffre, and invade her privacy, by seeking her private communications with her various family members, including aunts, uncles and parents and siblings. Ms. Giuffre is producing herewith non-privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production.

**6. All photographs or video containing any image of You and the following individuals. To the extent You have such photographs and video in their original, native format, please produce them in that format (not a paper copy).**

- a. Ghislaine Maxwell**
- b. Alan Dershowitz**
- c. Jeffrey Epstein**
- d. Andrew Albert Christian Edward, the Duke of York (aka Prince Andrew)**
- e. Ron Eppinger**
- f. Bill Clinton**
- g. Stephen Hawking**
- h. Al Gore**

- i. Any of the individuals identified by You in response to Interrogatory No. 8 and No. 14.**

**Response to Request No. 6**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre. Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, investigative or any other applicable privilege. Ms. Giuffre is producing herewith non-privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production. Ms. Giuffre does not have "original, native format," as requested so she is producing the paper copies she has in her possession, custody and control. The Defendant has documents responsive to this request that she should produce.

**7. All photographs and video of You in any of Jeffrey Epstein's properties, including, but not limited to: his home in Palm Beach, Florida; his home in New York City, New York; his ranch in Santa Fe, New Mexico; and Little Saint James island in the U.S. Virgin Islands. To the extent You have such photographs and video in their original, native format, please produce them in that format (not a paper copy).**

**Response to Request No. 7**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive

documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre. Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, investigative or any other applicable privilege. Ms. Giuffre is producing herewith non-privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production. Ms. Giuffre does not have "original, native format," as requested so she is producing the paper copies she has in her possession, custody and control. The Defendant has documents responsive to this request that she should produce.

**8. All photographs or video of You in any of Ms. Maxwell's properties, including her home in London, England and her home in New York City, New York. To the extent You have such photographs or video in their original, native format, please produce them in that format (not a paper copy).**

**Response to Request No. 8**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein for whom she claims a joint defense privilege and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre. Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, investigative or any other applicable privilege. Ms. Giuffre is producing herewith non-privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production. Ms. Giuffre does not have "original, native format," as requested so she is

producing the paper copies she has in her possession, custody and control. The Defendant has documents responsive to this request that she should produce.

**9. Any Documents reflecting rental agreements or purchase agreements for the residential addresses identified by You in response to Interrogatory No. 1.**

**Response to Request No. 9**

Ms. Giuffre objects to this request in that it seeks confidential financial information that is irrelevant to this action. Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, investigative or any other applicable privilege. Ms. Giuffre objects to this request in that the information regarding rental agreements for the apartments that Defendant and Jeffrey Epstein rented for her are in the Defendant's possession, control and custody. Ms. Giuffre objects to this request in that it is not limited to rental agreements relevant to this action, so it is overly broad and unduly burdensome. Ms. Giuffre produces is producing non-privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production.

**10. All Documents relating to Your Employment and/or association with the Mar-a-Lago Club located in Palm Beach, Florida, including any application for Employment.**

**Response to Request No. 10**

Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, investigative or any other applicable privilege. Ms. Giuffre produces herewith documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production.

**11. Any Document reflecting any confidentiality agreement by and between, or concerning, You and the Mar-a-Lago Club.**

**Response to Request No. 10**

Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney-client, work product, joint defense, investigative or any other applicable privilege. Ms. Giuffre does not have any non-privileged documents responsive to this request.

**12. All Documents concerning any Employment by You from 1998 to the present or identified by You in response to Interrogatory No. 9, including any records of Your Employment at the Roadhouse Grill in Palm Beach, Florida.**

**Response to Request No. 12**

Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney-client, work product, joint defense, investigative or any other applicable privilege. Ms. Giuffre produces herewith documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production.

**13. All Documents concerning any allegations of theft by You from the Roadhouse Grill in Palm Beach, Florida from 1999 – 2002.**

**Response to Request No. 13**

Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant-client privilege, and any other applicable privilege. Ms. Giuffre objects to this request in that it wrongfully characterizes a “theft by You”. Ms. Giuffre objects to this

request as it seeks documents of sealed juvenile records, and the only means of obtaining such records are either through court order or illegal means. Ms. Giuffre does not have any non-privileged documents responsive to this request.

**14. A copy of Your federal, state or local tax returns for the years 1998 to the present, whether from the United States or any other country.**

**Response to Request No. 14**

Ms. Giuffre objects to this request in that it seeks confidential financial information that is irrelevant to this action. Ms. Giuffre objects to this request in that it seeks financial information from her when she was a minor child starting at age 14. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre produces herewith documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production.

**15. All Documents concerning Your attendance at or enrollment in any school or educational program of whatever type, from 1998 to the present.**

**Response to Request No. 15**

Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects to this request in that her school records from when she was a minor child are an invasion of privacy, and sought only to



harass and embarrass her. Ms. Giuffre produces herewith non-privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production.

**16. Any diary, journal or calendar concerning Your activities between 1996 – 2002.**

**Response to Request No. 16**

Ms. Giuffre objects to this request to the extent it seeks proprietary and copyright protected materials. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects to this request in that it seeks highly personal and sensitive material from a time when she was being sexually trafficked. Ms. Giuffre does not have any non-privileged documents created during the time period responsive to this request.

**17. All Documents relating to Your travel from the period of 1998 to the present, including, but not limited to a copy of Your passport that was valid for any part of that time period, any visa issued to You for travel, any visa application that You prepared or which was prepared on Your behalf, and travel itinerary, receipt, log, or Document (including any photograph) substantiating Your travel during that time period.**

**Response to Request No. 17**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other

applicable privilege. Ms. Giuffre objects to this request in that it is overly broad and not limited to travel records relevant to the abuse she suffered. Ms. Giuffre objects to this request in that it seeks information that is wholly irrelevant to this lawsuit. Ms. Giuffre produces herewith documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production.

**18. All Documents showing any payments or remuneration of any kind made by Jeffrey Epstein or any of his agents or associates to You from 1999 until the present.**

**Response to Request No. 18**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. At this point in time, Ms. Giuffre has not found any non-privileged documents responsive to this request, but continues to search for responsive documents.

**19. Any Document reflecting a confidentiality agreement, settlement agreement, or any contractual agreement of any kind, between You and Jeffrey Epstein, or any attorneys for You and/or Mr. Epstein.**

**Response to Request No. 19**

Ms. Giuffre objects to this request in that the documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she

claims a joint defense privilege and defendant has refused to produce responsive documents. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre is in possession of a document that contains a confidentiality provision. If Defendant obtains, and produces to Ms. Giuffre, a written waiver from her co-conspirator, Mr. Epstein, of the confidentiality provision, she will produce the document.

**20. Any Document reflecting Your intent, plan or consideration of, asserting or threatening a claim or filing a lawsuit against another Person, any Document reflecting such a claim or lawsuit, including any complaint or draft complaint, or any demand for consideration with respect to any such claim or lawsuit against any Person.**

**Response to Request No. 20**

Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, investigative, spousal or any other applicable privilege. Ms. Giuffre objects because this request is overly broad and unduly burdensome in that it seeks wholly privileged communications from other cases the logging of which on a privilege log would be unduly burdensome. As such, Ms. Giuffre is providing categorical privilege entries relating to those matters. At this point in time, Ms. Giuffre has not found any non-privileged documents responsive to this request, but continues to search for responsive documents.

**21. All Documents relating to Your driver's license from 1998 – 2002.**

**Response to Request No. 21**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein for whom she claims a joint defense privilege and defendant has refused to produce responsive documents. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. At this point in time, Ms. Giuffre has not found any documents responsive to this request, but continues to search for responsive documents.

**22. A copy of Your marriage license(s) from 1999 to the present.**

**Response to Request No. 22**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre produces herewith documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this production.

**23. All documents concerning Your naturalization application to Australia from 1999 to the present.**

**Response to Request No. 23**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other

applicable privilege. At this point in time, Ms. Giuffre has not found any non-privileged documents responsive to this request, but continues to search for responsive documents.

**24. All Documents concerning Your Employment in Australia, including, but not limited to employment applications, pay stubs, Documents reflecting Your Income including any tax Documents.**

**Response to Request No. 24**

Ms. Giuffre objects to this request in that it seeks confidential financial information Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, investigative or any other applicable privilege. Ms. Giuffre objects to this request in that it seeks overly broad financial information not tailored to the sexual abuse and defamation issues in this case. Ms. Giuffre produces herewith documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this request.

**25. All Documents concerning any massage therapist license obtained by You, including any massage therapy license issued in the United States, Thailand and/or Australia.**

**Response to Request No. 25**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein for whom she claims a joint defense privilege and defendant has refused to produce responsive documents. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. At this point in time, Ms. Giuffre has not found any non-

privileged documents responsive to this request, but continues to search for responsive documents.

**26. All Documents concerning any prescription drugs taken by You, including the prescribing doctor, the dates of said prescription, and the dates of any fulfillment of any such prescription.**

**Response to Request No. 26**

Ms. Giuffre objects to this request in that it is not limited in date range in any way; therefore if she was on a prescription drug **when she was 2 years old**, she would have to produce that document. Ms. Giuffre also objects to this request in that it is not limited to prescription drugs she has taken as a result of the abuse she endured. Ms. Giuffre objects to this request to the extent it seeks confidential medical records that are not relevant to this action. Ms. Giuffre objects to this request in that it seeks confidential financial information. Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, investigative or any other applicable privilege. Ms. Giuffre is limiting her production to prescription drugs that relate to the abuse she suffered and the defamation by Defendant. Ms. Giuffre is withholding responsive documents that are irrelevant to this lawsuit, but is producing documents relating to prescription drugs relating to her treatment for sexual abuse she suffered, and relating to conditions or symptoms arising after Defendant's defamatory statement. Ms. Giuffre produces herewith documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement this request.

**27. All Documents, written or recorded, which reference by name, or other description, Ghislaine Maxwell.**

**Response to Request No. 27**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials. Ms. Giuffre produces herewith documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement her production. Ms. Giuffre is withholding documents responsive to this request based on her objections.

**28. All Documents reflecting notes of, or notes prepared for, any statements or interviews in which You referenced by name or other description, Ghislaine Maxwell.**

**Response to Request No. 28**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials. At this point in time, Ms. Giuffre has not found any non-privileged documents responsive to this request, but continues to search for responsive documents.

**29. All Documents concerning any Communications by You or on Your behalf with any media outlet, including but not limited to the *Daily Mail*, *Daily Express*, the *Mirror*, *National Enquirer*, *New York Daily News*, *Radar Online*, and the *New York Post*, whether or not such communications were “on the record” or “off the record.”**



**Response to Request No. 29**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials. Ms. Giuffre produces herewith non-privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement her production.

**30. All Documents concerning any Income received by You from any media outlet in exchange for Your statements (whether “on the record” or “off the record”) regarding Jeffery Epstein, Alan M. Dershowitz, Prince Andrew, Bill Clinton or Ghislaine Maxwell or any of the individuals identified by You in response to Interrogatory Nos. 8 and 14.**

**Response to Request No. 30**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials. Ms. Giuffre objects to this request in that it seeks confidential financial information. Ms. Giuffre produces herewith non-privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement her production.

**31. All Documents concerning any actual or potential book, television or movie deals concerning Your allegations about being a sex slave, including but not limited to a potential book by former New York Police Department detective John Connolly and writer James Patterson.**

**Response to Request No. 31**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials. Ms. Giuffre objects to this request in that it seeks confidential financial information. Ms. Giuffre produces herewith non-privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement her production. Ms. Giuffre is withholding documents responsive to this request.

**32. All manuscripts and/or other writings, whether published or unpublished, created in whole or in part by or in consultation with You, concerning, relating or referring to Jeffrey Epstein, Ghislaine Maxwell or any of their agents or associates.**

**Response to Request No. 32**

Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, investigative or any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials. Ms. Giuffre objects to this request in that it seeks confidential financial information. Ms. Giuffre produces herewith non-privileged documents bates labelled GIUFFRE000001 to

GIUFFRE003190 and will continue to supplement her production. Ms. Giuffre is withholding documents responsive to this request.

**33. All Documents concerning or relating to Victims Refuse Silence, the organization referred to in the Complaint, including articles of incorporation, any financial records for the organization, any Income You have received from the organization, and any Documents reflecting Your role within the organization or any acts taken on behalf of the Organization.**

**Response to Request No. 33**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials. Ms. Giuffre objects to this request in that it seeks confidential financial information. Ms. Giuffre produces herewith non-privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement her production.

**34. To the extent not produced in response to the above list of requested Documents, all notes, writings, photographs, and/or audio or video recordings made or recorded by You or of You at any time that refer or relate in any way to Ghislaine Maxwell.**

**Response to Request No. 34**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein for whom she claims a joint defense privilege and defendant has refused to produce responsive documents. Ms. Giuffre

objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary and copyright protected material. Ms. Giuffre produces herewith non privileged documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement her production.

**35. All phone records, including text messages, emails, social media Communications, letters or any other form of Communication, from or to You or associated with You in any way from 1998 to the present, which concern, relate to, identify, mention or reflect Ghislaine Maxwell, Jeffrey Epstein, Alan Dershowitz, Prince Andrew, Bill Clinton, or any of the individuals identified in response to Interrogatory Nos. 8 and 14.**

**Response to Request No. 35**

Ms. Giuffre objects to this request to the extent it seeks documents from “anyone associated with you” as that is vague and ambiguous. Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein for whom she claims a joint defense privilege and defendant has refused to produce responsive documents. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary and copyright protected material. Ms. Giuffre produces herewith documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will

continue to supplement her production. While Ms. Giuffre has produced her documents, Ms. Giuffre's response does not include documents "from anyone associated with you" based on the above referenced objection.

**36. All Documents relating to massages, including but not limited to any Documents reflecting the recruiting or hiring of masseuses, advertising for masseuses, flyers created for distribution at high schools or colleges, and records reflecting e-mails or calls to Persons relating to massages.**

**Response to Request No. 36**

Ms. Giuffre objects to this request in that it is not time limited in any way. Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein for whom she claims a joint defense privilege and defendant has refused to produce responsive documents. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre produces herewith documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement her production.

**37. Statements or records from any bank into which You deposited money received from Jeffrey Epstein, any Person identified in Interrogatory No. 8 or 14, any witness disclosed in Your Rule 26(a) disclosures, any media organization or any employee or affiliate of any media organization.**

**Response to Request No. 37**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the agency privilege, investigative privilege, spousal privilege, accountant client privilege, and any other applicable privilege. Ms. Giuffre objects to this request in that it seeks personal financial information. Ms. Giuffre objects to this request in that it is overly broad as it has no time limitation. Ms. Giuffre produces herewith documents bates labelled GIUFFRE000001 to GIUFFRE003190 and will continue to supplement her production.

Dated: March 16, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley  
Sigrid McCawley (Pro Hac Vice)  
Boies Schiller & Flexner LLP  
401 E. Las Olas Blvd., Suite 1200  
Ft. Lauderdale, FL 33301  
(954) 356-0011

David Boies  
Boies Schiller & Flexner LLP  
333 Main Street  
Armonk, NY 10504

Ellen Brockman  
Boies Schiller & Flexner LLP  
575 Lexington Ave  
New York, New York 10022  
(212) 446-2300

**CERTIFICATE OF SERVICE**

I certify that on March 16, 2016, I electronically served *Plaintiff Virginia Giuffre's Responses and Objections to Defendant's First Set of Discovery Requests* on the following:

Laura A. Menninger, Esq.  
HADDON, MORGAN & FOREMAN, P.C.  
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Denver, Colorado 80203  
Tel: (303) 831-7364  
Fax: (303) 832-2628  
Email: [lmenninger@hmflaw.com](mailto:lmenninger@hmflaw.com)

By: /s/ Sigrid McCawley  
Sigrid McCawley



# **EXHIBIT B**

**From:** [REDACTED]  
**Sent:** Friday, January 02, 2015 12:01 PM  
**To:** G Max  
**Subject:** Agreed copy

G  
Sorry about that, was going through Eurotunnel passport control.  
Still haven't received your mail...  
Best  
Ross  
Sent from my BlackBerry® wireless device

---

**From:** [REDACTED]  
**Date:** Fri, 2 Jan 2015 17:06:35 +0000  
**To:** G Max<[gmax1@ellmax.com](mailto:gmax1@ellmax.com)>  
**ReplyTo:** [REDACTED]  
**Subject:** Fw: The Times - David Brown

Hi Ghislaine  
The Times and the BBC having rung suggesting there are 'fresh' allegations by another woman, not Victoria.  
Do you still wish to stand by original statement, including including the part about litigating with papers who reported on the subject...  
Best  
Ross  
Sent from my BlackBerry® wireless device

---

**From:** "Brown, David" [REDACTED]  
**Date:** Fri, 2 Jan 2015 16:42:26 +0000  
**To:** [REDACTED]  
**Subject:** The Times - David Brown

Dear Mr Gow  
Many thanks for your help. The allegations against Miss Maxwell are contained in the document dated December 30, 2104, and relate to a woman referred to as Jane Doe #3.  
Yours sincerely  
David Brown  
Reporter  
The Times  
[REDACTED]

--  
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**From:** [REDACTED]  
**Sent:** Friday, January 02, 2015 10:07 AM  
**To:** G Max  
**Subject:** Fw: The Times - David Brown

Hi Ghislaine

The Times and the BBC having rung suggesting there are 'fresh' allegations by another woman, not Victoria. Do you still wish to stand by original statement, including including the part about litigating with papers who reported on the subject...

Best

Ross

Sent from my BlackBerry® wireless device

---

**From:** "Brown, David" [REDACTED]  
**Date:** Fri, 2 Jan 2015 16:42:26 +0000  
**To:** [REDACTED]  
**Subject:** The Times - David Brown

Dear Mr Gow

Many thanks for your help. The allegations against Miss Maxwell are contained in the document dated December 30, 2104, and relate to a woman referred to as Jane Doe #3.

Yours sincerely

David Brown

Reporter

The Times  
[REDACTED]

--

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**From:** [REDACTED]  
**Sent:** Friday, January 02, 2015 12:16 PM  
**To:** G Max  
**Subject:** Re: Agreed copy

Understood, thanks  
Sent from my BlackBerry® wireless device

---

**From:** G Maxwell <GMax1@ellmax.com>  
**Date:** Fri, 2 Jan 2015 18:59:16 +0000  
**To:** [REDACTED]  
**Subject:** Re: Agreed copy

Just sent you a letter of re engagement + a letter that Philip is slightly re working ..plse don't send anything until we have spoken one last time

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FACEBOOK  
TWITTER  
G+  
PINTEREST  
INSTAGRAM  
PLEDGE  
THE DAILY CATCH

---

**From:** Ross Gow  
**Reply-To:** Ross Gow  
**Date:** Friday, January 2, 2015 at 14:01 PM  
**To:** gmax  
**Subject:** Agreed copy

G  
Sorry about that, was going through Eurotunnel passport control.  
Still haven't received your mail...  
Best  
Ross  
Sent from my BlackBerry® wireless device

---

**From:** [REDACTED]  
**Date:** Fri, 2 Jan 2015 17:06:35 +0000  
**To:** G Max<gmax1@ellmax.com>  
**ReplyTo:** [REDACTED]  
**Subject:** Fw: The Times - David Brown

Hi Ghislaine

The Times and the BBC having rung suggesting there are 'fresh' allegations by another woman, not Victoria. Do you still wish to stand by original statement, including including the part about litigating with papers who reported on the subject...

Best

Ross

Sent from my BlackBerry® wireless device

---

**From:** "Brown, David" [REDACTED]  
**Date:** Fri, 2 Jan 2015 16:42:26 +0000  
**To:** [REDACTED]  
**Subject:** The Times - David Brown

Dear Mr Gow

Many thanks for your help. The allegations against Miss Maxwell are contained in the document dated December 30, 2104, and relate to a woman referred to as Jane Doe #3.

Yours sincerely

David Brown

Reporter

The Times  
[REDACTED]

--

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**From:** [REDACTED]  
**Sent:** Friday, January 02, 2015 12:57 PM  
**To:** G Max  
**Subject:** Re: URGENT

Will do.  
Await revamped note from Devonshires...  
Sent from my BlackBerry® wireless device

---

**From:** G Maxwell <GMax1@ellmax.com>  
**Date:** Fri, 2 Jan 2015 19:39:48 +0000  
**To:** Ross Gow [REDACTED]  
**Subject:** URGENT

You can say that this is not a new person but Virginia Roberts to all and say that you will give a statement  
Here are the names from the mail who have contacted me by phone  
Daneil Bates

[REDACTED] US no.

And Martin Robinson

[REDACTED] uk no

Thx

G

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FACEBOOK  
TWITTER  
G+  
PINTEREST  
INSTAGRAM  
PLEDGE  
THE DAILY CATCH

**From:** Ross Gow [REDACTED]  
**Sent:** Friday, January 02, 2015 1:07 AM  
**To:** G Max  
**Cc:** Brian Basham  
**Subject:** Fwd: URGENT – Ghislaine Maxwell

Hi Ghislaine

James Ball, investigative reporter for The Guardian, who reports on US stories, has made contact, as per below.

Please advise how you wish to handle this. I am driving all day today, but can be contacted on [REDACTED]  
[REDACTED]

Best  
Ross

----- Forwarded message -----

**From:** James Ball [REDACTED]  
**Date:** Thursday, January 1, 2015  
**Subject:** URGENT – Ghislaine Maxwell  
**To:** [REDACTED]

Dear Ross,

I'm writing to you as you have in the past represented Ghislaine Maxwell. As you are no doubt aware, fresh allegations have been levelled against Ms Maxwell in new US court filings made in Florida on 30 December, which some outlets have already been reported.

I would urgently seek any comment on behalf of your client, or notification of her new representation if you no longer act for her.

Many thanks for your help,  
James

--

• James Ball • Special Projects Editor • +44 203 3533 293 • +44 7540 825 494 • @jamesrbuk •

---

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Managing Partner  
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London W1J 6HE



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# **EXHIBIT C**

**From:** gmax1@ellmax.com  
**Sent:** Saturday, January 10, 2015 9:00 AM  
**To:** Philip Barden; Ross Gow

I am out of my depth to understanding defamation and other legal hazards and don't want to end up in a law suit aimed at me from anyone if I can help it. Apparently even saying Virginia is a liar has hazard! I have never been in a suit criminal or civil and want it to stay that way.

The US lawyers for the Jane Does are filling additional discovery motions and if I speak I open my self to being part of discovery apparently. I am trying to stay out of litigation and not have to employ lawyers for years as I get lost in US legal nightmare. I stand no legal risk currently on these old charges and civil suits against Jeffrey We need to consult with US lawyers on any statement I make and the complaints too

Perhaps we make a statement of the legal risk of saying anything for potential defamation or something that prevents a full and frank detailed rebuttal + the press not being the place for that? Regardless, Philip plse call jeffrey lawyer and see what you can understand from him and pehaps craft something in conjunction with him? Either way I think you need to speak to him to understand my risk so you can help me understand it - too may cooks in the kitchen and I can't make good decisions. Plse reach out to him today

+ I have already suffered such a terrible and painful loss over the last few days that I can't even see what life after press he'll even looks like - statements that don't address all just lead to more questions..what is my relationship to clinton ? Andrew on and on.

Let's rest till monday. I need head space

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THE DAILY CATCH<<http://theterramarproject.org/thedailycatch/>>

From: Philip Barden  
Date: Friday, January 9, 2015 at 17:05 PM  
To: Ross Gow  
Cc: gmax  
Subject: Re: The Times - Ghislaine Maxwell

Agreed

We agreed to release a statement

We should support our friends and deny the allegations as Dershowitz urges and Prince Andrew has.

We run the real risk of guilt by silence and that is likely to feed false claims and false suits as we saw with the BBC

I advised the soldiers in Bloody Sunday not to give interviews so I am cautious and this is the time to speak.

I can say no more. I hope our advice is followed.

Philip

Sent from my iPhone

On 9 Jan 2015, at 21:53, "Ross Gow"

[REDACTED]  
wrote:

Ghislaine

I believe the next 18hrs is the best chance we have to leverage some transparency advantage on this. MoS first then Sunday Times. Otherwise we lose any chance of ownership of the narrative. Please give it some serious thought...

Dershowitz is out on Monday with a big push in The Times and we run the risk of looking less than gripped. best

R

On 9 January 2015 at 20:02, Philip Barden

[REDACTED]  
I am heading home now and will call when get there

Let's not waste this moment please

Sent from my iPhone

On 9 Jan 2015, at 18:11, "Ross Gow"

[REDACTED]

Ghislainr  
further reason for us to put our side of the story out...  
best  
Ross

----- Forwarded message -----

From: Brown, David

[REDACTED]

Date: 9 January 2015 at 18:09  
Subject: The Times - Ghislaine Maxwell  
To: Ross Gow

[REDACTED]

Hi Ross  
Do keep in touch. I think were running a piece written by Professor Dershowitz on Monday.  
If Miss Maxwell wants to make a comment do let me know...  
All the best  
David Brown  
Reporter  
The Times

[REDACTED]

--

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**From:** Ross Gow [REDACTED]  
**Sent:** Friday, January 09, 2015 2:54 PM  
**To:** Philip Barden  
**Cc:** G Max  
**Subject:** Re: The Times - Ghislaine Maxwell

Ghislaine

I believe the next 18hrs is the best chance we have to leverage some transparency advantage on this. MoS first then Sunday Times. Otherwise we lose any chance of ownership of the narrative.

Please give it some serious thought...

Dershowitz is out on Monday with a big push in The Times and we run the risk of looking less than gripped. best

R

On 9 January 2015 at 20:02, Philip Barden [REDACTED] wrote:  
I am heading home now and will call when get there

Let's not waste this moment please

Sent from my iPhone

On 9 Jan 2015, at 18:11, "Ross Gow" [REDACTED] wrote:

Ghislainr

further reason for us to put our side of the story out...

best

Ross

----- Forwarded message -----

From: Brown, David [REDACTED]  
Date: 9 January 2015 at 18:09  
Subject: The Times - Ghislaine Maxwell  
To: Ross Gow [REDACTED]

Hi Ross

Do keep in touch. I think were running a piece written by Professor Dershowitz on Monday.

If Miss Maxwell wants to make a comment do let me know...

All the best

David Brown

Reporter

The Times  
[REDACTED]

--

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**From:** Ross Gow [REDACTED]  
**Sent:** Monday, September 21, 2015 2:22 PM  
**To:** Gmax; Philip Barden  
**Subject:** Fwd: Question from NY Daily News  
**Attachments:** Maxwell.pdf

G  
Here we go again. VR on our case again.  
Joyous to hear I'm not a co-defendant...  
Best  
R

----- Forwarded message -----

**From:** "Brown, Stephen" [REDACTED]  
**Date:** 21 Sep 2015 20:28  
**Subject:** Question from NY Daily News  
**To:** [REDACTED]  
**Cc:**

Hi Ross, I'm working on a story about a defamation suit filed by Virginia Roberts against Ghislaine Maxwell.

Virginia alleges that Ghislaine defamed her by calling her claims "obvious lies," among other denials. Those denials were released through you. (To be clear, you're not named as a defendant.)

I'm wondering if Ghislaine has a response to the suit, which is attached.

Thank you,

Stephen Brown  
Manhattan Federal Court Reporter  
NY Daily News  
[REDACTED]

-----

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\*\*\*\*\* (NJ)



# **EXHIBIT D**

**From:** G Maxwell <GMax1@ellmax.com>  
**Sent:** Sunday, January 11, 2015 6:26 AM  
**To:** J Jep  
**Subject:** Fw:

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**From:** Philip Barden [REDACTED]  
**Sent:** Sunday, 11 January 2015 05:27  
**To:** [REDACTED]  
**Cc:** G Maxwell  
**Subject:** Re:

Saying nothing is reputational suicide. Even if AR is discredited by AD people will know JE paid her off and believe G was complicate absent a credible denial.

Now it is reported that G engaged in direct abuse - as I feared would happen. Next reports to the authorities will be made.

It is necessary from a litigation, investigatory and reputational reason to issue a cogent denial.

I can see why JE doesn't want this as it may not suit him but he is already toast.

Philip

Sent from my iPhone

On 10 Jan 2015, at 18:42, [REDACTED]  
[REDACTED] > wrote:

Had Geordie on the phone half a dozen times today.

He would have give us a better hearing than most I figure.

Strongly believe saying nothing is the wrong thing - especially as Dershowitz has a big piece coming in The Times on Monday.

Rest up and speak Monday  
Best  
Ross  
Sent from my BlackBerry® wireless device

---

From: Philip Barden [REDACTED]  
Date: Sat, 10 Jan 2015 18:27:12 +0000  
To: G Maxwell <GMax1@ellmax.com<mailto:GMax1@ellmax.com>>  
Cc: Ross Gow [REDACTED]  
Subject: Re:

All

I am back on line now.

I see the statement didn't go. Monday? Maybe tomorrow?

I will speak to Jeffery Epstein's lawyer but JE has a conflict with you and will want your silence as whilst you are being attacked there is less heat on him.

Either Virginia Roberts is lying or not. If we let her lie without challenge then the lies become the reality and that may lead to you facing investigation. These are serious allegations and In the UK prosecuting people who face allegations of sex abuse is now common place and a lot of resources are focused on this.

We can't sit back and let you be a conspirator by silence.

Your are not guilty and must follow Dershowtiz line. He is a leading lawyer and he hasn't followed the don't say anything for fear of litigation. He has rightly called VR bluff and shouted his innocence.

You have to stand up and deny the allegations or be branded guilty by association and that may lead to other investigations and worse.

I feel I am going around in circles.

I know what is right to do and that is to shout your innocence.

Try and get some rest. Call me tomorrow if you want anytime.

Speak to Deshowitz.

Don't allay yourself to JE as that is not the way to go.

Best

Philip

Sent from my iPhone

On 10 Jan 2015, at 16:02, "G Maxwell"

<GMaxl@ellmax.com<mailto:GMaxl@ellmax.com><mailto:GMaxl@ellmax.com>> wrote:

I am out of my depth to understanding defamation and other legal hazards and don't want to end up in a law suit aimed at me from anyone if I can help it. Apparently even saying Virginia is a liar has hazard! I have never been in a suit criminal or civil and want it to stay that way.

The US lawyers for the Jane Does are filling additional discovery motions and if I speak I open my self to being part of discovery apparently. I am trying to stay out of litigation and not have to employ lawyers for years as I get lost in US legal nightmare. I stand no legal risk currently on these old charges and civil suits against Jeffrey We need to consult with US lawyers on any statement I make and the complaints too

Perhaps we make a statement of the legal risk of saying anything for potential defamation or something that prevents a full and frank detailed rebuttal + the press not being the place for that? Regardless, Philip plse call jeffrey lawyer and see what you can understand from him and pehaps craft something in conjunction with him? Either way I think you need to speak to him to understand my risk so you can help me understand it - too may cooks in the kitchen and I can't make good decisions. Plse reach out to him today

+ I have already suffered such a terrible and painful loss over the last few days that I can't even see what life after press he'll even looks like - statements that don't address all just lead to more questions..what is my relationship to clinton ? Andrew on and on.

Let's rest till monday. I need head space

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**From:** jeffrey E. <jeevacation@gmail.com>  
**Sent:** Sunday, January 11, 2015 3:27 PM  
**To:** Gmax

what did you decide to do?

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**From:** jeffrey E. <jeevacation@gmail.com>  
**Sent:** Wednesday, January 21, 2015 4:16 PM  
**To:** Gmax

Ask press to investigate whether Clinton was ever there . Challenge the press

--

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**From:** jeffrey E. <jeevacation@gmail.com>  
**Sent:** Wednesday, January 21, 2015 12:01 PM  
**To:** Gmax

Since JE was charged in 2007 for solicitation of a prostitute I have been the target of outright lies, innuendo, slander, defamation and salacious gossip and harrasment; headlines made up of quotes I have never given, statements I have never made, trips with people to places I have never been, holidays with people I have never met, false allegations of impropriety and offensive behavior that I abhor and have never ever been party to, witness to events that I have never seen, living off trust funds that I have never ever had, party to stories that have changed materially both in time place and event depending on what paper you read, and the list goes on.

I have never been a party in any criminal action pertaining to JE

For the record:

At the time of Jeffrey's plea I was in a very long-term committed relationship with another man and no longer working with Jeffrey. Whilst I remained on friendly terms with him up until his plea, , I have had limited contact since

Every story in the press innuendo and comment has been taken from civil depositions against JE, which were settled many years ago. None of the depositions were ever subject to cross examination , not one. any

standard of truth and were used for those who claimed they were victims to receive financial payment to be shared between them and their lawyers. One firm created and sold fake cases against Mr. Epstein – the firm subsequently imploded and the Rothstein, the owner of the firm was sent to jail for 50 years for his crime. The lawyer who is currently representing Virginia was his partner. need I say more!

These so called ‘new revelations’ stem from an alleged diary from VR that reads like the memoirs she is purporting to be selling. Also perhaps pertinent - in a previous complaint against others, her claims were rejected by the police

“due to.. VR ..lack of credibility ”

The new interest in this old settled case results from lawyers representing some of JE victims filed a suit against the US government not JE . They contend that the Us govt violated their rights.

The document and deal that JE negotiated with the government was given to the lawyers 6 years ago and is a public document.

I am not part of, nor did you have anything to do with, JE plea bargain

I have never even seen the proceedings nor any of the depositions

I reserve my right to file complaint and sue for defamation and slander

--

please note

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**From:** jeffrey E. <jeevacation@gmail.com>  
**Sent:** Wednesday, January 21, 2015 4:47 PM  
**To:** G Maxwell  
**Subject:** Re: FW: Guardian

This will now end but I think a dismissive statement is ok

On Wednesday, January 21, 2015, G Maxwell <GMax1@ellmax.com> wrote:  
See bellow

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---

**From:** Ross Gow  
**Date:** Wednesday, January 21, 2015 at 17:45 PM  
**To:** Philip Barden, gmax  
**Subject:** Fwd: Guardian

So this isn't getting better...latest from our chums at The Guardian.

----- Forwarded message -----

**From:** Jon Swaine [REDACTED]  
**Date:** Wednesday, January 21, 2015  
**Subject:** Guardian  
**To:** [REDACTED]

Ross

As discussed - here is the new affidavit from Virginia Roberts. She claims to have had sex with Ms Maxwell when Roberts was 15 years old.

She alleges that Ms Maxwell was "heavily involved in the illegal sex" and "she had sex with underage girls virtually every day when I was around her".

Roberts also says that Ms Maxwell "had large amounts of child pornography that she personally made".

Please do pass on any comment or response Ms Maxwell would like to make.

Thanks and all best

Jon

--  
[REDACTED]

---

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Ross Gow  
Managing Partner  
ACUITY Reputation  
23 Berkeley Square  
London W1J 6HE  
[REDACTED]  
[REDACTED]  
[REDACTED]

[www.acuityreputation.com](http://www.acuityreputation.com)

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**From:** jeffrey E. <jeevacation@gmail.com>  
**Sent:** Thursday, January 22, 2015 12:44 PM  
**To:** Gmax

ive tried to call. what have you decided?

--

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**From:** jeffrey E. <jeevacation@gmail.com>  
**Sent:** Friday, January 23, 2015 4:46 PM  
**To:** G Maxwell  
**Subject:** Re: FW: Hi

should not be legal.

On Fri, Jan 23, 2015 at 6:03 PM, G Maxwell <GMaxl@ellmax.com> wrote:  
gawker have printed the entire address book, albeit redacted x

Sent from my iPad

--

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**From:** jeffrey E. <jeevacation@gmail.com>  
**Sent:** Friday, January 23, 2015 6:40 PM  
**To:** G Maxwell  
**Subject:** Re: Hi

I am convinced your statement should be be about the clinton story being easily dsiporived.

On Fri, Jan 23, 2015 at 8:07 PM, G Maxwell <[GMax1@ellmax.com](mailto:GMax1@ellmax.com)> wrote:

My friends are apoplectic..

Do you know what edwards et al want from all this shit? What are they looking for? What is the end game?

THE TERRAMAR PROJECT  
FACEBOOK  
TWITTER  
G+  
PINTEREST  
INSTAGRAM  
PLEDGE  
THE DAILY CATCH

---

**From:** jeffrey E.  
**Sent:** Friday, 23 January 2015 18:46  
**To:** G Maxwell  
**Subject:** Re: FW: Hi

should not be legal.

On Fri, Jan 23, 2015 at 6:03 PM, G Maxwell <[GMax1@ellmax.com](mailto:GMax1@ellmax.com)> wrote:  
gawker have printed the entire address book, albeit redacted x

Sent from my iPad

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**From:** jeffrey E. <jeevacation@gmail.com>  
**Sent:** Friday, January 23, 2015 6:14 PM  
**To:** G Maxwell  
**Subject:** Re: Hi

publicity

On Fri, Jan 23, 2015 at 8:07 PM, G Maxwell <GMax1@ellmax.com> wrote:

My friends are apoplectic..

Do you know what edwards et al want from all this shit? What are they looking for? What is the end game?

THE TERRAMAR PROJECT  
FACEBOOK  
TWITTER  
G+  
PINTEREST  
INSTAGRAM  
PLEDGE  
THE DAILY CATCH

---

**From:** jeffrey E.  
**Sent:** Friday, 23 January 2015 18:46  
**To:** G Maxwell  
**Subject:** Re: FW: Hi

should not be legal.

On Fri, Jan 23, 2015 at 6:03 PM, G Maxwell <GMax1@ellmax.com> wrote:  
gawker have printed the entire address book, albeit redacted x

Sent from my iPad

--

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**From:** jeffrey E. <jeevacation@gmail.com>  
**Sent:** Sunday, January 25, 2015 4:30 PM  
**To:** G Maxwell  
**Subject:** Re: Update - FYI

thnaks

On Sun, Jan 25, 2015 at 7:27 PM, G Maxwell <GMax1@ellmax.com> wrote:

All had quietened down over here in last 24 hours but just googled you all again and under JE the daily mail printed a story 6 hours ago that they picked up from the daily beast which is jane doe 1's testimony (and video interview) about how Haley robson recruited her to give je one massage when she was 14 and goes into detail about what happened -

Sent from my iPad

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**From:** jeffrey E. <jeevacation@gmail.com>  
**Sent:** Sunday, January 25, 2015 4:41 AM  
**To:** G Maxwell  
**Subject:** Re:

ok, with me, You have done nothing wrong and i would urge you to start acting like it. go outside, head high, not as an escaping convict. go to parties. deal with it. . i had lisa svensson the swedish ocean ambassador yesteady she said no one on her ocean panel takes this stuff seriously and you would be welcoe to the ocean conferenec water conference etc.

On Sat, Jan 24, 2015 at 1:22 PM, G Maxwell <GMax1@ellmax.com> wrote:

I would appreciate it if [REDACTED] would come out and say she was your g'friend - I think she was from end 99 to 2002

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FACEBOOK  
TWITTER  
G+  
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**From:** G Maxwell <GMax1@ellmax.com>  
**Sent:** Tuesday, January 27, 2015 10:36 AM  
**To:** jeffrey E.  
**Subject:** Re:

I have not decided what to do

THE TERRAMAR PROJECT  
FACEBOOK  
TWITTER  
G+  
PINTEREST  
INSTAGRAM  
PLEDGE  
THE DAILY CATCH

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**From:** jeffrey E.  
**Sent:** Tuesday, 27 January 2015 11:50  
**To:** G Maxwell  
**Subject:**

what has happned to you and your statmenet??

--

please note

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**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

---

**PLAINTIFF'S REPLY IN SUPPORT OF MOTION TO REOPEN DEFENDANT'S  
DEPOSITION BASED ON LATE PRODUCTION OF NEW, KEY DOCUMENTS**

Plaintiff, Virginia Giuffre, by and through her undersigned counsel, hereby files her Reply in Support of her Motion to Reopen Defendant's Deposition Based on Late Production of New, Key Documents. Because Ms. Giuffre has shown the importance of reopening Defendant's deposition on these several important documents, because Defendant has not offered any substantial countervailing consideration, the Court should allow Ms. Giuffre to question Defendant in a deposition about these late produced communications.

**I. INTRODUCTION**

As the Court is well aware, Ms. Giuffre has alleged that Defendant defamed her when she called her a liar after Ms. Giuffre spoke out about being a child victim of sex abuse at the hands of Defendant and Defendant's long-time boyfriend, convicted pedophile, Jeffrey Epstein. The two documents at issue in the instant motion are Defendant's communications with her press agent and with Epstein concerning potential statements to the media regarding Ms. Giuffre. Therefore, not only do they involve two key individuals, but also a key topic in this litigation: Defendant's defamation of Ms. Giuffre through the media. Multiple documents show Epstein's involvement in crafting Defendant's various draft statements to the media concerning Ms. Giuffre, and one of the late

produced documents at issue in this pending motion is an email chain showing Epstein's involvement in crafting yet another draft statement. The other late produced document is a communication between Defendant and her press agent, Ross Gow. It also concerns a potential statement to the media about Ms. Giuffre. This email shows Gow's continued involvement in handling press inquiries concerning Ms. Giuffre on Defendant's behalf. That is relevant to Ms. Giuffre's claims for multiple reasons, not least of which is Defendant's nonsensical attempts to distance herself from Gow's statement, as recounted in the moving brief. Her continuance of working with him after he issued the defamatory statement, and after the commencement of this litigation (as shown by the document at issue) is evidence to the contrary. Ms. Giuffre should be able to cross her with that email and ask related questions. Therefore, both of these documents are highly relevant. Whatever Defendant argues about her prior deposition, she cannot claim that she was questioned about these two emails. Ms. Giuffre deserves the opportunity to ask Defendant about them.

## II. ARGUMENT

### A. Discovery Concerning These Emails is Not Duplicative, and it is Highly Relevant

As the Court will recall, a Defendant's initial deposition, she answered the questions put to her with evasive, non-responsive answers, unqualified refusals to answer, feigned memory loss, and feigned ignorance over the meaning of basic sentences and basic words ("I don't know what you mean by puppet"<sup>1</sup>). As a result, Ms. Giuffre was forced to file a Motion to Compel Defendant to Answer Deposition Questions (DE 143). On June 20, 2016, this Court granted Ms. Giuffre's Motion and directed Defendant to sit again for her deposition (June 20, 2016 Sealed Order, filed in redacted form at DE 264-1). As recounted in Ms. Giuffre's Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions (DE 314/356), Defendant was again evasive and refused to answer questions during her second deposition, despite the court's specific direction that she sit for her deposition and answer topic areas that she avoided during her first deposition. *See id.* Ms. Giuffre

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<sup>1</sup> Maxwell Depo. Tr. at 287:24-25.

attempted to solicit Defendant's testimony pursuant to the Court's Order, but Defendant defied that Order and again refused to answer many questions, thus requiring Ms. Giuffre to file the Motion to Enforce the Court's Order, to attempt to obtain another deposition with a stern direction from the Court to the Defendant that she must answer questions during her deposition as originally directed by this Court. That motion is currently pending before this Court (DE314/356).

Thereafter, in this case where Defendant's production of email communications has been miniscule, Defendant stated that she "inadvertently" failed to produce two critical emails, and produced them after Defendant's second deposition was complete. While Ms. Giuffre attempted to confer with Defendant to secure her agreement to be deposed on this new information, Defendant refused to sit for a follow up deposition (despite the fact that Ms. Giuffre agreed to sit for her deposition under these same circumstance), thereby forcing Ms. Giuffre to file this motion with the Court to secure the Defendant's deposition on these two e-mails.

Defendant's paltry justification for opposing Ms. Giuffre's motion is that she previously answered questions concerning certain other communications with Epstein and Gow. That argument is unavailing.

First, Ms. Giuffre is entitled to question the Defendant on these specific communications. One is an email chain with her joint defense partner Jeffrey Epstein, who was also a co-abuser with her. The other is a communication with Ross Gow, Defendant's press agent who she refused to produce for a deposition, despite him being her agent and *despite their sharing the same attorney*, forcing Ms. Giuffre to litigate the issue in the London courts, against Defendant's counsel, and at significant expense. An English Court has since ordered Gow to sit for his deposition, despite Defendant and her counsel's obstructionist refusal to produce him prior to that litigation.

Second, these documents are relevant precisely for the reason Defendant attempts to say they are not: their date. Notably, the questioning that Defendant cites in her brief surrounds

communications in January of 2015, whereas this newly- produced communication shows discussions with Gow from November of 2015 - *after this litigation had commenced*. Therefore, Ms. Giuffre is entitled to ask the Defendant about her relationship with her agent in dealing with press and other inquires after the commencement of litigation.

This is particularly relevant, because, again, Defendant has been less than forthright in answering questions relating to her authorization of the issuance of the January statement. Ms. Giuffre will refer the Court to her discussion on pages 4-7 of her moving brief, describing the evasive answers Defendant gave regarding Gow, including that she “denies in part” simple statements concerning Gow, offering a non-responsive answer instead. The fact that she continued to engage with her agent Gow, after this litigation was filed, refutes any suggestion that she did not authorize her agent to act on her behalf in January 2015. Indeed, Defendant’s continued use of her press agent and her continued reliance upon Epstein’s input informs a pattern and practice that is echoed by the per-defamatory communications.

In sum, contrary to Defendant’s argument, the fact that Ms. Giuffre questioned Defendant regarding her older communications with Epstein and Gow does not render redundant questions concerning her more recent communication with Epstein and Gow, nor could it.

Seeming to acknowledge the relevance of Ms. Giuffre asking questions about the Gow email, Defendant suggests that Ms. Giuffre could simply ask Defendant’s press agent, Ross Gow, about the email he sent, instead of asking her. This is a flippant suggestion, as Defendant and her counsel have played an expensive game of cat-and-mouse with Mr. Gow’s deposition, refusing to accept service of his Rule 45 subpoena. Mr. Gow, however, likely will be unable to answer questions about what Defendant thought about his inquiry, or what she did next, and similar questions.

Similarly, only Defendant can testify to her understanding of why she was explaining herself to Epstein on April 22, 2015, seemingly seeking his approval on a draft statement, and only she can

testify what she did after receiving Epstein's "ok." The fact that Defendant was seeking Epstein's permission with respect to her media communications regarding Ms. Giuffre shows a high level of coordination among these co-conspirators,<sup>2</sup> and Ms. Giuffre should not be precluded from asking about critical communications because Defendant failed to produce the communications until after so many key witnesses, including the Defendant, had testified.

**B. This Court has Already Held that Reopening a Deposition is Appropriate for Question concerning Documents Produced After the Deposition**

This Court has already ruled that reopening a party deposition is appropriate where important<sup>3</sup> documents are produced after the deposition is completed. This ruling is in accord with relevant precedent. *See Wesley v. Muhammad*, 2009 WL 1490607, at \*5 (S.D.N.Y. 2009) ("while

<sup>2</sup> Incorrectly, in Footnote 1, Defendant claims that Ms. Giuffre fabricated her claim that Maxwell and Epstein asked Ms. Giuffre to bear a child for them. Ms. Giuffre's statement is directly corroborated by another young woman Defendant recruited to provide sexual massages to Epstein. Indeed, Johanna Sjoborg testified that Epstein asked her to bear a child for him:

Q. Have you ever been propositioned by anyone to have a baby for someone?

A. Yes.

Q. Who propositioned you?

A. Jeffrey asked me.

Q. Did he ask you more than once?

A. Yes.

Q. And what did he say?

A. Basically just said, I want you to be the mother of my baby.

*See* Schultz Dec. at Exhibit 1, May 18, 2016, Sjoborg Dep. Tr. at 39:25-40:9. There is no "fabrication" here.

<sup>3</sup> Defendant attempts to distinguish her two emails with key players in this case from the documents that Ms. Giuffre produced after her deposition, namely, medical and employment records. There is a distinction, but not what Defendant suggests. Not only are Ms. Giuffre's documents ancillary to the matter, but unlike the Defendant, Ms. Giuffre is cooperating with a follow up deposition on these documents – whereas Defendant is refusing to be deposed. This is not a personal injury action or a medical malpractice action wherein medical records are highly relevant. This is also not a wage-and-hour case, or a non-compete case, or an employment discrimination case wherein employment records are highly relevant. This is a defamation case. And the communications among the individuals who formed and then disseminated the defamatory statement (particularly when those communications address potential future statements about Ms. Giuffre) are more relevant - by orders of magnitude - than any of the medical or employment records about which Defendant will ask Ms. Giuffre at her second deposition, particularly when those medical records cover such topics so far afield, such as Ms. Giuffre's treatment for an animal bite.

defendants' delay in producing documents may have interfered with the completeness of

depositions, plaintiff will be free to reopen any depositions for which he deems the newly produced documents to be a relevant source of questions”); *Ganci v. U.S. Limousine Serv., Ltd.*, 2011 WL 4407461 at \*2 (E.D.N.Y. Sept. 21, 2011) (“Courts will typically reopen a deposition where there is new information on which a witness should be questioned”).

Here, Defendant produced important documents - communications with Jeffrey Epstein and her press agent who disseminated her defamatory statement - well after her deposition, and well after she was served with the discovery request seeking those documents. These are not auxiliary documents. They are communications with two of the most important witnesses in this case: Jeffrey Epstein and Ross Gow. As key witnesses, Ms. Giuffre has spent considerable resources seeking their depositions and answers to the deposition questions. For Gow, Ms. Giuffre’s efforts included service through The Hague Convention (twice), hiring an English firm to attempt personal service (Gow left the country); and initiating a separate action in England pursuant to this Court’s Letter Rogatory. For Epstein, Ms. Giuffre deposed Epstein, but he improperly invoked the Fifth Amendment and improperly refused to produce documents. Accordingly, pending before this Court is Ms. Giuffre’s Sealed Motion to Compel Epstein to answer questions and produce documents. Defendant’s lately-produced communications with these two witnesses are critical evidence.

Defendant’s error should not prejudice Ms. Giuffre, particularly since, pursuant to this Court’s Order, Defendant will have the opportunity to depose Ms. Giuffre on her lately produced documents. The same standard that this Court applied to Defendant’s motion to open Ms. Giuffre’s deposition should apply to Ms. Giuffre’s motion for the same relief, made on the same grounds. *See e.g., Robinson v. T.J. Maxx, Inc.*, 148 F.R.D. 490, 492 (N.D.N.Y. 1993) (holding that discovery ruling regarding extension of discovery deadline applied to both parties equally); *In re 650 Fifth Ave.*, No. 08 CIV. 10934 KBF, 2013 WL 1870090, at \*3 (S.D.N.Y. Apr. 24, 2013) (applying equal



standards to the parties' privilege logs, explaining "what's good for the goose is good for the gander.").

Well-reasoned precedent, as well as the facts in this case, requires the re-opening of Defendant's deposition. Accordingly, the Court should grant Ms. Giuffre's request to reopen Defendant's deposition to answer questions relating to her lately produced documents.

### **C. Ms. Giuffre's Motion is Not Untimely**

Without any supporting case law or authority, Defendant has the gumption to argue that Ms. Giuffre's motion is somehow "untimely" when it was the Defendant who withheld these critical e-mails during the entire discovery period, denying Ms. Giuffre the benefit of being able to use these e-mails at multiple witness depositions. The only "untimeliness" claim that can be made here is against the Defendant.

The two emails in question are responsive to a Request for Production served on Defendant on February 2, 2016. Defendant produced these two emails on August 16, 2016, after her deposition and after the fact discovery period closed on July 29, 2016 (D.E. 317). Defendant wrongly suggests to this Court that the fact discovery closure date was September 8, 2016 but that is incorrect. The only deadline modified to September 8, 2016, was the expert disclosure deadline. (D.E. 413). Defendant's documents were clearly produced after the close of fact discovery. The only party that is untimely here is the Defendant.

### **III. CONCLUSION**

For the foregoing reasons, and the reasons set forth in the moving brief, Ms. Giuffre respectfully requests that this Court Reopen Defendant's deposition to (1) answer lines of questions discussed in Ms. Giuffre's Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions Filed under Seal (DE 315) which is pending before the Court; and (2) answer questions related to the two key late produced documents.

October 28, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley  
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Meredith Schultz (Pro Hac Vice)  
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---

<sup>4</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on October 28, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Meredith Schultz  
Meredith Schultz

# **EXHIBIT D**

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

---

**PLAINTIFF, VIRGINIA GIUFFRE'S FOURTH REVISED DISCLOSURE  
PURSUANT TO FED. R. CIV. P. 26**

COMES NOW the Plaintiff, Virginia L. Giuffre, by and through her undersigned counsel,  
and serves this revised disclosure pursuant to Fed. R. Civ. P. 26 and states as follows:

**A. Witnesses:**

1. Virginia L. Giuffre  
c/o Sigrid S. McCawley, Esq.  
Boies, Schiller & Flexner LLP  
401 East Las Olas Boulevard, Suite 1200  
Miami, Florida 33301  
Tel: (954) 356-0011  
Email: [smccawley@bsflp.com](mailto:smccawley@bsflp.com)  
  
Plaintiff - information regarding Defendant, Ghislaine Maxwell's conduct that is  
the subject of this action
  
2. Ghislaine Maxwell  
c/o Laura A. Menninger, Esq.  
HADDON, MORGAN & FOREMAN, P.C.  
150 East 10<sup>th</sup> Avenue  
Denver, Colorado 80203  
Tel: (303) 831-7364  
Email: [lmenninger@hmflaw.com](mailto:lmenninger@hmflaw.com)

Defendant in this action.

3. Juan Alessi

[REDACTED]

Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

4. Maria Alessi

[REDACTED]

Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

5. Kathy Alexander

Address unknown at this time.

Telephone number unknown at this time.

Believed to be in South Africa.

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

6. Miles Alexander

Address unknown at this time.

Telephone number unknown at this time.

Believed to be in South Africa.

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

7. Doug Band

President of Teneo Holdings, 601 Lexington Avenue, 45<sup>th</sup> Floor,  
New York, NY 10022, Tel: (212) 886-1600

Was present on flights with Jeffrey Epstein and Ghislaine Maxwell and President Clinton and may have knowledge of Jeffrey Epstein and Ghislaine Maxwell's sexual trafficking conduct and interactions with minors.

8. Gwendolyn Beck

[REDACTED]

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

9. Sophie Biddle

[REDACTED]

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

10.

[REDACTED]

Was present on flights with Jeffrey Epstein, Ghislaine Maxwell and Virginia Guiffre and may have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

11. Fary Bjorlin  
Address Unknown  
Telephone Number Unknown

May have information relating to Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

12. Kelly Bovino

[REDACTED]  
Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

13. Jean Luc Brunel  
c/o Joe Titone, Esq.  
621 South East 5th Street, Pompano Beach, FL 33060  
Tel: (954) 729-6490



Was present on flights with Jeffrey Epstein, Ghislaine Maxwell and Virginia Guiffre and has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

14. Ron Burkle  
Address unknown at this time  
Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

15. [REDACTED]  
Address unknown at this time.  
Telephone number unknown at this time

Worked for Ghislaine Maxwell and has information about Ghislaine Maxwell's recruiting of girls for Jeffrey Epstein.

16. Carolyn Casey  
Address unknown at this time.  
Telephone number unknown at this time.

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

17. Alyson Chambers  
c/o Marshall Dore Louis, Esq.  
Sinclair, Louis & Zavertrnik, P.A.  
40 N.W. 3<sup>rd</sup> Street, Suite 200, Miami, FL 33128  
Tel: (305) 374-0544

Worked for Jeffrey Epstein as a masseuse during the time that Virginia Guiffre was living and traveling with Jeffrey Epstein and Ghislaine Maxwell, and has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

18. William Jefferson Clinton  
55 West 125 Street  
New York, NY 10027

Travelled with Jeffrey Epstein and Ghislaine Maxwell and may have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

19. Maximilia Cordero  
Address unknown at this time  
Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

20. Valdson Cotrin  
Address unknown at this time  
Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

21. Chauntae Davies  
[REDACTED]  
Telephone number unknown at this time

Was present on flights with Jeffrey Epstein, Ghislaine Maxwell and may have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

22. Teala Davies  
[REDACTED]  
Telephone number unknown at this time

Was present on flights with Jeffrey Epstein, Ghislaine Maxwell and may have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

23. Anouska DeGeorgieou  
[REDACTED]  
Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

24. Alan Dershowitz  
c/o Richard A. Simpson, Esq.  
WILEY REIN, LLP  
1776 K Street NW  
Washington, D.C. 20006

Tel: (202) 719-7000

Has knowledge of Defendant's conduct that is the subject of this action.

25. Ryan Dionne  
Address unknown at this time  
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

26. Eva Anderson Dubin

[REDACTED]

Telephone number unknown at this time

Was present on flights with Jeffrey Epstein, Ghislaine Maxwell and has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

27. Glen Dubin

[REDACTED]

Telephone number unknown at this time

Was present on flights with Jeffrey Epstein, Ghislaine Maxwell and has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

28. [REDACTED]

Address unknown at this time.

Telephone number unknown at this time.

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

29. Prince Andrew Albert Christian Edward, Duke of York  
Buckingham Palace Rd, London SW1A 1AA

[REDACTED]

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors, including Virginia Giuffre.



30. Records Custodian for Travel for Prince Andrew Albert Christian Edward, Duke of York  
Buckingham Palace Rd, London SW1A 1AA  
[REDACTED]

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors, including Virginia Giuffre.

31. Jeffrey Epstein  
c/o Marty Weinberg, Esq.  
20 Park Plaza, Suite 1000, Boston, MA 02116  
[REDACTED]

Has knowledge of Defendant's conduct that is the subject of this action and knowledge of his sexual trafficking operation and other co-conspirators.

32. Tatiana Espinoza  
Address unknown at this time  
Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

33. Annie Farmer  
Address unknown at this time.  
Telephone number unknown at this time.

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors, including Virginia Giuffre.

34. Marie Farmer  
Address unknown at this time.  
Telephone number unknown at this time.

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors, including Virginia Giuffre.

35. Vicky Ward  
Address unknown at this time  
Telephone unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors, including Virginia Giuffre.

36. Frederic Fekkai  
Address unknown at this time  
Telephone number unknown at this time

Has knowledge of Defendant's conduct that is the subject of this action.

37. Tony Figueroa  
[REDACTED]  
Telephone number unknown at this time

Has knowledge of Defendant's conduct that is the subject of this action.

38. Luciano "Jojo" Fontanilla  
[REDACTED]

Jeffrey Epstein's staff member in his various homes and may have knowledge of Defendant and Jeffrey Epstein's inappropriate conduct with underage girls.

39. Lynn Fontanilla  
[REDACTED]  
Telephone number unknown at this time

May have knowledge of Defendant's conduct that is the subject of this action.

40. Michael Friedman  
[REDACTED]  
Telephone number unknown at this time

Former house staff and may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with minors.

41. Rosalie Friedman  
[REDACTED]  
Telephone number unknown at this time

Former house staff and may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with minors.

42. Ross Gow  
Acuity Representation  
23 Berkeley Square  
London W1J 6HE

[REDACTED]

Defendant's press agent who has knowledge of the defamatory statements in this case.

43. Tiffany Kathryn Gramza

[REDACTED]

Telephone number unknown at this time

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors

44. [REDACTED]

Address unknown at this time

Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

45. Amanda Grant  
Address unknown at this time  
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

46. Lesley Groff  
Address unknown at this time  
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

47. [REDACTED]





Has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and abuse and interaction with underage minors.

48. Claire Hazel  
Address unknown at this time  
Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors


49. Shelly Harrison  
Address unknown at this time  
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors

50. Gina Ignatieva  
Address Unknown  
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

51. Brett Jaffe  
Address noted on Defendant's Rule 26 disclosures  
  
Defendant's attorney.

52.   
Address unknown at this time  
Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors



53. Sarah Kensington Vickers formerly Sarah Kellen  
c/o Bruce Reinhart, Esq.  
McDonald Hopkins LLC  
505 S Flagler Dr Ste 300  
West Palm Beach, FL 33401-5942  
Tel: 561- 472-2121

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interactions with minors.

54. Tatiana Kovylin

[REDACTED]

Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors

55. [REDACTED]

[REDACTED]

Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors

56. Adam Perry Lang  
Address unknown at this time  
Telephone number unknown at this time

Traveling chef for Jeffrey Epstein and Ghislaine Maxwell and may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

57. [REDACTED]

Address unknown at this time

Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors

58. Michael Liffman

Address unknown at this time  
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

59. Peter Listerman  
Address unknown at this time  
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors

60. Cindy Lopez  
Address unknown at this time  
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors

61. Melinda Lutz  
Address unknown at this time  
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors

62. Cheri Lynch  
Address unknown at this time  
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

63. Nadia Marcinko formerly Nadia Marcinkova  
c/o Jack Goldberger, Esq.  
Atterbury, Goldberger, & Weiss, P.A.  
250 Australian Ave South, Ste 1400  
West Palm Beach, FL 33401-5012  
Tel: (561) 659-8300

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors

64. Bob Meister

[REDACTED]

May have information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

65. Todd Meister

[REDACTED]

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors

66. Brahakmana Mellawa

Address unknown at this time

Telephone number unknown at this time

House staff who may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

67. Jayarukshi Mellawa

Address unknown at this time

Telephone number unknown at this time

House staff who may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

68.

[REDACTED]

Address unknown at this time

Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

69. Andrea Mitrovich

Address Unknown

Telephone number unknown at this time.



Knowledge of Defendant's conduct that is the subject of this action.

70. Bill Peadon

[REDACTED]

Telephone number unknown at this time

House staff that may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

71. Francis Peadon

[REDACTED]

Telephone number unknown at this time

House staff that may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

72. Tom Pritzker

Address unknown at this time

Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

73. Dara Preece

Address Unknown

Telephone Unknown at this time

May have knowledge of Defendant's conduct in this action.

74. Louella Rabuyo

Address unknown at this time

Telephone unknown at this time

House staff that may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

75. Joseph Recarey

[REDACTED]

Telephone number unknown at this time.

Detective Recarey was the chief investigator of the crimes committed at Jeffrey Epstein's Palm Beach mansion and has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

76. Chief Michael Reiter

[REDACTED]

Telephone number unknown at this time.

Police Chief Reiter oversaw the investigation of the crimes committed at Jeffrey Epstein's Palm Beach mansion and has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and abuse of underage minors.

77. Bill Richardson

Address unknown at this time

Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

78. Rinaldo Rizzo

c/o Robert Lewis, Esq.

Freeman Lewis LLP

228 E. 45<sup>th</sup> Street, 17<sup>th</sup> Floor

New York, NY 10017

Tel: 212-980-4084

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

79. Haley Robson

Address unknown at this time

Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

80. Sky Roberts

[REDACTED]

Family member who may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

81. David Rodgers  
c/o Bruce E. Reinhart, Esq.  
McDonald Hopkins LLC  
505 S Flagler Dr Ste 300  
West Palm Beach, FL 33401-5942  
Tel: 561- 472-2121

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

82. Adriana Ross formerly Adriana Mucinska  
c/o Alan S. Ross, Esq.  
Tel: (305) 858-9550

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

83. Johanna Sjoberg  
c/o Marshall Dore Louis, Esq.  
40 N.W. 3<sup>rd</sup> Street, Suite 200, Miami, FL 33128  
Tel: (305) 374-0544

Worked for Jeffrey Epstein during the time when Virginia Giuffre was living and traveling with Jeffrey Epstein and Ghislaine Maxwell. Johanna Sjoberg was also present at an occasion with Prince Andrew, Ghislaine Maxwell, and Virginia Giuffre when Ms. Giuffre was a minor.

84. Kelly Spamm  
Address unknown at this time  
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

85. Cecilia Stein  
Address unknown at this time  
Telephone number unknown at this time



May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

86. Emmy Taylor  
Address unknown at this time  
Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

87. Evelyn Valenzuela  
Address unknown at this time  
Telephone number unknown at this time

May have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct.

88. Larry Visosky  
c/o Bruce E. Reinhart, Esq.  
Tel: (561) 202-6360  
Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

89. Leslie Wexner  
c/o John W. Zeiger, Esq., Zeiger, Tigges & Little LLP  
41 South High Street, Suite 3500, Columbus, Ohio 43215  
Tel: (614) 365-9900

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

90. Courtney Wild  
c/o Bradley Edwards, Esq.  
FARMER, JAFFE, WEISSING,  
EDWARDS, FISTOS & LEHRMAN, P.L.  
425 North Andrews Avenue, Suite 2  
Fort Lauderdale, Florida 33301  
Tel: (954) 524-2820



Has information about Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

91. Doug Wilson



Family member who may have knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

92. Igor Zinoviev

Address unknown at this time

Telephone number unknown at this time

Has knowledge of Ghislaine Maxwell and Jeffrey Epstein's sexual trafficking conduct and interaction with underage minors.

93. All females identified in the police reports or identified through the United State's Attorney's office during or through the criminal investigation of Jeffrey Epstein and his co-conspirators.

94. All other then-minor girls, recruited by Ghislaine Maxwell, whose identities Ms. Giuffre will attempt to determine, with whom Defendant, Ghislaine Maxwell and Jeffrey Epstein, have engaged in sexual activity.

95. All pilots, chauffeurs, chefs, and other employees of either Defendant Maxwell or Jeffrey Epstein with knowledge of Defendant and Jeffrey Epstein's inappropriate conduct with underage girls.

96. All staff and employees at the Mar-a-Lago Club during 1999-2002.

97. All other witnesses learned through discovery process.

**B. Relevant Documents:**

1. All files held by the Palm Beach Police Department or the Palm Beach State Attorney's office which are publically available.

2. All press releases of Ghislaine Maxwell or on her behalf

3. The video(s) of Ghislaine Maxwell adopting the January, 2015 press statement.
4. All newspaper or other media where Ghislaine Maxwell's press release appears
5. All evidence obtained by the Federal Bureau of Investigations which relate in any way to Jeffrey Epstein or Ghislaine Maxwell.
6. All 302 statements that relate in any way to Jeffrey Epstein or Ghislaine Maxwell.
7. All evidence obtained by the FBI or United States Attorney's office by or through the criminal investigation of Alfredo Rodriguez.
8. All documents relating to the previous subpoenas served on Defendant for her deposition and all documents related in any way to that deposition.
9. All documents evidencing visitors or passengers at any of Jeffrey Epstein owned or controlled property or aircraft.
10. All documents demonstrating the relationship between Bill Clinton and Jeffrey Epstein or Ghislaine Maxwell.
11. All photos of Ghislaine Maxwell at Chelsea Clinton's wedding.
12. All documents or information refuting statements made by Ghislaine Maxwell.
13. All documents and information relating to Prince Andrews travel, including travel to New York City and the Caribbean, in 1999 to 2002.
14. All documents and information from Shopper's Travel evidencing travel, flight records or passenger manifests during the relevant period.
15. All documents and information from David Rigg, Aviation Insurance Agent evidencing travel, flight records or passenger manifests during the relevant period.

**C. Exhibits:**

1. Palm Beach Police Department report and documents contained within Jeffrey Epstein's criminal files, attached hereto as Exhibit 1.
2. March 10, 2011 Statement on behalf of Ghislaine Maxwell by Media agent Ross Gow, attached hereto as Exhibit 2.
3. September 3, 2008 Victim Notification Letter, attached hereto as Exhibit 3.
4. May 1, 2009 Complaint in Jane Doe No. 102 v. Jeffrey Epstein, CIV-09-80656, in the Southern District of Florida, attached hereto as Exhibit 4.



5. FBI 302 Statement, attached hereto as Exhibit 5.
6. Flight Logs, attached hereto as Composite Exhibit 6.
7. Message Pads from Law Enforcement from trash pull of Jeffrey Epstein's Palm Beach home, attached hereto as Exhibit 7.
8. Jeffrey Epstein's Phone Book, also referred to as his "Black Book," attached hereto as Exhibit 8.
9. Deposition of Sarah Kellen, attached hereto as Composite Exhibit 9.
10. Deposition Transcripts of Juan Alessi, attached hereto as Exhibit 10.
11. Deposition Transcripts of Alfredo Rodriguez, attached hereto as Exhibit 11.
12. January 2, 2015 Corrected Joinder Motion [DE 280] filed in the CVRA action pending in the Southern District of Florida, attached hereto as Exhibit 12. **[All paragraphs between "The Government then concealed from Jane Doe No. 3 the existence of the NPA (pg. 3) and "The Government was well aware of Jane Doe No. 3 when it was negotiating the NPA" (pg. 6) were stricken by Judge Marra.]**
13. January 21, 2015 Declaration of Jane Doe No. 3 filed in the CVRA action pending in the Southern District of Florida, attached hereto as Exhibit 13. **[Paragraphs 4, 5, 7, 11, 13, 15, 19-53, and 59 were stricken by Judge Marra]**
14. February 6, 2015 Declaration of Jane Doe No. 3 filed in the CVRA action pending in the Southern District of Florida, attached hereto as Exhibit 14. **[Paragraphs 7-12, 16, 39 and 49 were stricken by Judge Marra.]**
15. November 25, 2015 Affidavit of Virginia Giuffre, filed in the *Bradley Edwards and Paul Cassell v. Alan Dershowitz* matter, pending in the Seventeenth Judicial Circuit, Broward County, Florida, attached hereto as Exhibit 15.
16. Virginia Roberts' passport, attached hereto as Exhibit 16.
17. Judge Thomas Lynch's January 12, 2016 Confidentiality Order regarding Virginia Giuffre's deposition, attached hereto as Exhibit 17.
18. Documents produced and bates labelled Non-Party VR 000001 – Non-Party VR 000644, in the *Bradley Edwards and Paul Cassell v. Alan Dershowitz* matter, pending in the Seventeenth Judicial Circuit, Broward County, Florida, attached hereto as Exhibit 18.
19. Victims Refuse Silence Articles of Incorporation and Amendment, attached hereto as Composite Exhibit 19.
20. Victims Refuse Silence By-laws, attached hereto as Exhibit 20.

21. Victims Refuse Silence 2016 Annual Report, attached hereto as Exhibit 21.
22. January 3, 2015 Daily Mail article: "Harvard Law Professor Named Alongside Prince Andrew in 'Sex Slave' Case Accuses Alleged Victim of 'Making Up Stories,'" attached hereto as Exhibit 22.
23. January 3, 2015 Press Statement issued by Ross Gow to Express set forth in "Ghislaine Maxwell: I was not a madam for paedophile," attached as Exhibit 23.
24. January 4, 2015 Statement by Ghislaine Maxwell to New York Daily News Reporter "Alleged Madam Accused of Supplying Prince Andrew With Underage Teen for Sex Spotted in NYC – As He's Seen Cutting Swiss Vacation Short to Face Queen," attached hereto as Exhibit 24.
25. February 1, 2015 Mirror article: "Prince Andrew's Pal Ghislaine Maxwell May Sue Over Madam Allegations," attached hereto as Exhibit 25.
26. September 23, 2007 Red Ice Creations Article "Prince Andrew's Friend, Ghislaine Maxwell, Some Underage Girls, and A Very Disturbing Story," attached hereto as Exhibit 26.
27. Photographs, attached hereto as Exhibit 27.
28. April 13, 2010 Deposition Transcript of Nadia Marcinkova, attached hereto as Exhibit 28.

**D. Computation of damages:**

1. Physical, psychological and psychiatric injuries and resulting medical expenses – in an amount of approximately \$ 102,200 present value.
  - a. **Computation Analysis:**
    - i. Giuffre has had to receive treatment for the psychological harm as a result of Maxwell's conduct towards Giuffre.
    - ii. The average annual expenditures for mental health services for adults 18-64 in the United States is \$1,751.
    - iii. Giuffre needs continuing care as a result of the harm she has suffered. Ms. Giuffre was born August 9, 1983 and was 31.4 years old at the beginning of 2015 when the alleged harm occurred. The average remaining life expectancy for a 31 year old female is 51.1 years.
    - iv. Based on a remaining life expectancy of 51.1 years, annual healthcare cost growth of 3.3% and a discount rate of 2.7%, the present value of expected treatment costs is \$102,200 as of 1/1/2015.



b. **Supporting Evidence:**

- i. Ms. Giuffre is in the process of collecting records from her physicians
- ii. Ms. Giuffre's testimony
- iii. Ms. Giuffre is in the process of retaining an expert to calculate damages, and will provide further information through expert disclosure.

2. Past, present and future pain and suffering, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of standing in the community, loss of dignity and invasion of privacy in her public and private life not less than \$30,000,000.00.

a. **Computation Analysis**

- i. Under New York law, defamation per se as alleged in this case presumes damages and special damages do not need to be plead and proven. *See Celle v. Filipino Reporter Enterprises Inc.*, 209 F.3d 163, 179 (2<sup>nd</sup> Cir. 2000) (Second Circuit holding that '[i]f a statement is defamatory per se, injury is assumed. In such a case 'even where the plaintiff can show no actual damages at all, a plaintiff who has otherwise shown defamation may recover at least nominal damages' and the Second Circuit also confirmed an award of punitive damages). Ms. Giuffre has been severely damaged by the defamation of the defendant, by calling her claims of sexual abuse "obvious lies". The defamation caused Ms. Giuffre to re-live the sexual abuse she previously endured. Ms. Giuffre has suffered and continues to suffer from the pain, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of standing in the community, loss of dignity and invasion of privacy in her public and private life. The computation of this amount is in the province of the jury but Ms. Giuffre contends, including but not limited to, awards in other similar matters, that the amount is not less than \$30,000,000.00. Ms. Giuffre is in the process of retaining an expert, and will provide further information through expert disclosure.

b. **Supporting Evidence**

- i. Ms. Giuffre's testimony

- ii. Witness testimony
  - iii. Awards in similar matters
  - iv. Ms. Giuffre is in the process of retaining an expert, and will provide further information through expert disclosure.
3. **Punitive Damages** - to be based upon all relevant factors, including the egregious nature of Defendant, Ghislaine Maxwell's conduct and the need for a large award to punish and deter conduct in view of the vast wealth of Defendant Maxwell, in an amount not less than \$50,000,000.00.
- a. This calculation is in the province of the jury.

Dated: June 24, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley  
Sigrid McCawley (Pro Hac Vice)  
Meredith Schultz (Pro Hac Vice)  
Boies Schiller & Flexner LLP  
401 E. Las Olas Blvd., Suite 1200  
Ft. Lauderdale, FL 33301  
(954) 356-0011

David Boies  
Boies Schiller & Flexner LLP  
333 Main Street  
Armonk, NY 10504

Bradley J. Edwards (Pro Hac Vice)  
FARMER, JAFFE, WEISSING,  
EDWARDS, FISTOS & LEHRMAN, P.L.  
425 North Andrews Avenue, Suite 2  
Fort Lauderdale, Florida 33301  
(954) 524-2820

Paul G. Cassell (Pro Hac Vice)  
S.J. Quinney College of Law  
University of Utah  
383 University St.  
Salt Lake City, UT 84112  
(801) 585-5202<sup>1</sup>

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<sup>1</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.



**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that a true and correct copy of the above and foregoing Disclosure Pursuant to Fed. R. Civ. P. 26 has been provided by United States mail and electronic mail to all counsel of record identified below, on this 24th day of June, 2016.

Laura A. Menninger, Esq.  
Jeffrey S. Pagliuca, Esq.  
HADDON, MORGAN & FOREMAN, P.C.  
150 East 10<sup>th</sup> Avenue  
Denver, Colorado 80203  
Tel: (303) 831-7364  
Fax: (303) 832-2628  
Email: [lmenninger@hmflaw.com](mailto:lmenninger@hmflaw.com)  
Email: [jpagliuca@hmflaw.com](mailto:jpagliuca@hmflaw.com)

By: /s/ Sigrid McCawley  
Sigrid McCawley

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VIRGINIA GIUFFRE,

Plaintiff,

-against-

GHISLAINE MAXWELL,

Defendant.

Index No. 15 Civ. 7433 (RWS)

**REPLY DECLARATION OF  
ALAN M. DERSHOWITZ IN  
FURTHER SUPPORT OF  
MOTION TO INTERVENE  
AND UNSEAL**

**ALAN M. DERSHOWITZ** declares under penalty of perjury that the following is true and correct:

1. I am personally familiar with the facts set forth in this Reply Declaration, which I submit in further support of my pending motion to intervene and to unseal the “Requested Documents,” as that term is defined in Paragraph 3 of my August 11, 2016 Declaration.

**Introduction and Overview**

2. Rather than offering a valid and proper basis for opposing my motion, the papers submitted on behalf of plaintiff Virginia Roberts Giuffre—particularly, the lengthy declaration of Paul Cassell, one of Ms. Giuffre’s lawyers and a former federal judge—are little more than an effort to revive and further the false and scurrilous allegations of sexual misconduct that compelled me to seek the Court’s assistance in the first place. As his declaration makes clear, Mr. Cassell has crossed the line from being a legitimate advocate for a client, to being a lawyer who is seeking to justify his *own* conduct in the face of compelling evidence that his client is a thoroughgoing liar. That was, after all, the gravamen of Mr. Cassell’s defamation case against me: the assertion, now repeated at length before this Court, that Ms. Giuffre’s lawyers

had a valid basis for disseminating her false, grotesque and impertinent allegations against me in a public filing. And it is that “fight,” essentially, that Mr. Cassell reignites in his declaration in this matter. To be clear, this not a fight that that I started and it is certainly not one that I am asking this Court to referee or resolve in any way. I am only asking that the Court refuse to allow its Protective Order, which was entered based upon a stipulation that explicitly contemplated that the Order might be modified, from being used to prevent me from disclosing documents that reveal the truth. Having now, again, been subjected to an unfair and unwarranted false attack on my credibility and reputation for personal rectitude, I have no choice but to respond on the merits.

3. I begin by, again, swearing under oath that I did not sexually abuse Virginia Roberts Giuffre, and that any allegation or suggestion to the contrary is categorically false. I never had sexual contact with Ms. Giuffre of any kind, and, to my knowledge, I never even met her until her deposition in 2016. By swearing to this, I am deliberately exposing myself to a perjury prosecution and disbarment if I am not telling the truth. If Ms. Giuffre were to submit an affidavit repeating her false allegations against me, I would welcome and cooperate with a criminal investigation by any prosecutorial office as to whether it is Ms. Giuffre or I who is committing perjury. It is inescapably clear that one of us is lying under oath. I know it is not me.

4. Against this backdrop, and the facts set forth in my August 11, 2016 Declaration, Mr. Cassell, on his client’s behalf, has put into the record a declaration replete with factual inaccuracies, omissions, and flat-out misrepresentations. Among other things, he misstates important elements of both the Crime Victims’ Rights Act lawsuit filed by Ms. Giuffre, and others, in Florida (the “CVRA Action”), and the defamation lawsuit that he and his

colleague, Bradley Edwards, brought against me (*Edwards v. Dershowitz*, Case No. CACE 15-000072 (Cir. Ct., Broward Cnty., Fla.)). Moreover, he elides or mischaracterizes testimony gathered in those and other proceedings in order to make them appear inculpatory of me when, in fact, they are just the opposite.

5. In doing so, Mr. Cassell seeks to accomplish two goals simultaneously: *first*, to suppress information—the Requested Documents—which exculpates me from the charges of sexual misconduct, while allowing Ms. Giuffre and her allies to publicly disseminate those selected “facts” that, they believe, support her allegations against me; and, *second*, to prove that Mr. Cassell—and, by extension, his colleague Mr. Edwards and Ms. Giuffre’s current lawyers at Boies Schiller & Flexner, LLP—have a valid factual basis for continuing to press Ms. Giuffre’s false allegations. Mr. Cassell’s effort is an unmitigated failure, as this declaration demonstrates.

6. While much of the Cassell Declaration goes far beyond what is reasonably required to respond to the instant motion, and while it surely has the distinct air of “protesting too much,” I cannot stand mute in the face of this continuing assault on my character. As this declaration and the accompanying reply brief will demonstrate, the charges against me are baseless, and unsealing the Requested Document is the only proper response to Ms. Giuffre’s efforts to smear me through the legal process.

7. In its effort to block the unsealing of the Requested Documents and to justify Ms. Giuffre’s lawyers’ decision to represent her, the Cassell Declaration cites five sources: (i) a Palm Beach Police Department Report dated July 19, 2006; (ii) flight logs for the aircraft owned by Jeffrey Epstein; (iii) the fact that a “very well-regarded Florida” lawyer filed a civil complaint against Mr. Epstein on Ms. Giuffre’s behalf which accused “academicians”

associated with Mr. Epstein of abusing her; (iv) the testimony of Juan Alessi and Alfredo Rodriguez, two household employees of Mr. Epstein; and (v) what Mr. Cassell alleges is a “pattern of deception” by me to keep the “truth” from coming out. I will address each of these, in detail, in turn. As will immediately become clear, the information presented by Mr. Cassell in no way substantiates Ms. Giuffre’s claims. To the contrary, much of the evidence contradicts Ms. Giuffre’s version of events. In addition, I offer a few final points about matters that demonstrate clearly that Ms. Giuffre is not a credible witness.

**The Palm Beach Police Department Report**

8. The Cassell Declaration cites a July 2006 Palm Beach Police Department Report, which identified Jeffrey Epstein’s home in Palm Beach as a location at which Mr. Epstein allegedly abused minor victims. Mr. Cassell contends that this Report supports Ms. Giuffre’s account that I abused her at the Palm Beach home. *See* Cassell Decl., ¶ 21(a)-(b). But, as Mr. Cassell conceded in his deposition in the *Edwards* defamation case, my name does *not even appear* in the Palm Beach Police Department Report—much less does the Report contain an allegation that I sexually abused someone. *See* Ex. O at 31 (Deposition Transcript of Paul G. Cassell, October 16-17, 2015).

9. Mr. Cassell asserts that the Palm Beach Police Report “showed the sexual abuse was occurring on a daily basis” at the Epstein mansion, and thus “that [it] would have made it obvious to a visiting guest that young girls were coming to the home for sexual purposes.” Cassell Decl., ¶ 21(b). Putting aside the conclusory nature of the inference (For example, by what means would it be “obvious,” and to which “guests?” I would think that if someone were doing something illegal, such as arranging trysts with underage girls, they would take measures to conceal their conduct), the statement is entirely irrelevant to *me*. First, I was not present in that home—or on Mr. Epstein’s private island, or at his New Mexico ranch, or on

his airplane—during the time Ms. Giuffre was associated with him. Dershowitz Decl.,<sup>1</sup> ¶ 9. Nothing about Ms. Giuffre’s relationship with Mr. Epstein, or her age, could have been “obvious” to me, because I never met her. Second, there is simply no evidence that Mr. Epstein’s alleged abuse of minor victims at his home in Palm Beach was “obvious” or known to any “visiting guests,” given that the abuse took is alleged to have taken place in a separate part of the house, namely Mr. Epstein’s private bedroom.

10. Ms. Giuffre and her counsel have alleged that she was not the only “young girl” that I had sexual contact with – *i.e.*, that there were others. Of course, no such persons have ever presented themselves to corroborate this accusation. Nonetheless, Mr. Cassell latched on to this allegation as a “basis” for his filing in the CRVA Action, which named me as a serial abuser.

11. Demonstrating how little Mr. Cassell really had to go on in this regard, I ask the Court to consider Mr. Cassell’s response to a question put to him in deposition concerning who, other than his client, he had reason to believe was abused by me. All Mr. Cassell could muster was this:

[CASSELL]: ...I have 24 names in mind as possible sexual abuse victims that *Dershowitz may or may not have abused*. And I have not been able to pinpoint exactly what happened, because the people who would be in the best position to help me sort out what the names were [--] specifically Jeffrey Epstein, among others [--] have refused to cooperate and give me those names” (emphasis added).

Ex. O at 36-37.

12. The very idea that Mr. Cassell could claim that, without more, a mere *list* of alleged victims that he believes that I “*may or may not have abused*” would provide a basis for publicly accusing me of heinous crimes, well illustrates Mr. Cassell’s mindset.

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<sup>1</sup> Citations to “Dershowitz Decl.” refer to my August 11, 2016 moving declaration. Exhibits O through X are attached to this Reply Declaration.

13. As the record demonstrates, I could not have abused Virginia Roberts Giuffre because, as the records establish, I was never in Mr. Epstein's Palm Beach home, private island, ranch or airplane during the two years that she was associated with Mr. Epstein. The Palm Beach Police Department Report neither corroborates Ms. Giuffre's false accusation, nor supports the decision by Mr. Cassell, Mr. Edwards and the other lawyers for Ms. Giuffre to publicly accuse me of such pedophilia.

**The Flight Logs**

14. In his Declaration, Mr. Cassell suggests that the flight logs of Mr. Epstein's private jet showing Ms. Giuffre travelling to New York support the conclusion that I abused Ms. Giuffre in New York, because I was a visiting scholar at N.Y.U. and lived in N.Y.U. housing during the 2000-2001 academic year. See Cassell Decl., ¶ 21(c). This allegation, and the string of inferences necessary to make it "work," is patently absurd. Millions of people were present in the New York City area when Ms. Giuffre travelled there; it is simply not reasonable to infer from my presence in New York at the same time, apparently, as Ms. Giuffre that I sexually abused her—there or anywhere else.

15. In his deposition in the defamation case against me, Mr. Cassell acknowledged that my name did not appear in the aircraft flight logs during the time period in which Ms. Giuffre was associated with Mr. Epstein:

[CASSELL]: The face of the flight logs for the relevant period of time, we can call it the hot period of time or whatever you want, did not reveal the presence of Mr. Dershowitz on those flights, yes.

Q: Okay. So during the period—well, actually, there's no flight log that shows Virginia Roberts and Professor Dershowitz on the same airplane, correct?

A: That's my understanding, yes.

Ex. O at 205.



16. Desperate to draw some connection between me and young girls on the airplane, Mr. Cassell also states that the flight logs show me and “an apparently young woman named ‘Tatiana’ who did not appear to serve any business purpose for Epstein” flying together on Mr. Epstein’s plane with Mr. Epstein and other individuals. *See* Cassell Decl. ¶ 21(g) (internal parentheses omitted). What his declaration conveniently fails to mention is that the flight in question took place on November 17, 2005, years after Ms. Giuffre’s association with Mr. Epstein concededly ended. *See* McCawley Decl., Ex. 2 at GIUFFRE007135. The connection between a flight in 2005 and Ms. Giuffre’s alleged abuse is, of course, non-existent: by 2005, Ms. Giuffre was living in Australia.

17. But that is just a detail. As Mr. Cassell well knows, Tatiana Kovylna, the woman who flew on Mr. Epstein’s plane with us and several other people in 2005, was *24 years old* at the time of the flight. During my deposition in the *Edwards* case, I was asked about and shown photos of “Tatiana”; I said that I thought she appeared to “about 25” years old. It turned out that my estimate was correct. This exchange followed:

[DERSHOWITZ]: ... I must say that during the recess, my wife Googled Tatiana and found out that she was, in fact, 24 years old in 1995 [sic - 2005]<sup>2</sup>, at the time she flew on that airplane. So that my characterization of her as about 25 years old is absolutely correct. And the implication that you sought to draw by showing me those pictures was not only demonstrably false, but you could have easily discovered that the implication you were drawing was demonstrably false by simply taking one second and Googling her name as my wife did.”

Ex. P at 216-17 (Deposition Transcript of Alan M. Dershowitz, October 16, 2015).

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<sup>2</sup> In fact, I meant the year 2005. According to Wikipedia, Ms. Kovylna was born on November 4, 1981. *See* [https://en.wikipedia.org/wiki/Tatiana\\_Kovylna](https://en.wikipedia.org/wiki/Tatiana_Kovylna).

18. Mr. Cassell was present at my October 2015 deposition in the *Edwards* case, and he is aware of Tatiana Kovylyna's actual age. Yet, in his Declaration to this Court, he continues to suggest that her presence on Mr. Epstein's airplane in 2005 supports the inference that I was aware of Mr. Epstein's alleged abuse of Ms. Giuffre in 2000-2002, and that I participated in such conduct. Cassell Decl., ¶ 21(g). While Mr. Cassell cloaks this suggestion in language concerning "information [he and Mr. Edwards] relied upon in believing the truth of Ms. Giuffre's allegations," that is too clever by half. *Id.* at 21. The inference that he asks this Court to draw is that the presence of Ms. Kovylyna supports the allegations against me. That is simply false.

**Ms. Giuffre's Civil Complaint and Her Claim of Abuse by "Academics"**

19. In his Declaration, Mr. Cassell states that he believed Ms. Giuffre's allegations that I sexually abused her, in part, because Bob Josefsberg, "a very well regarded Florida lawyer," apparently believed her, having filed a civil complaint against Mr. Epstein on her behalf. Cassell Decl., ¶21(e). The Josefsberg-filed civil complaint did not name me.

20. Mr. Cassell was not relieved of his professional obligation to investigate the *bona fides* of Ms. Giuffre's claims simply because a different lawyer had already decided to file a case on her behalf. Mr. Cassell's reliance on the case filed by Mr. Josefsberg is particularly inappropriate because the Josefsberg-drafted case does *not* name me as an abuser. Moreover, Mr. Josefsberg has continued to maintain a personal and professional relationship with me, something he would not have done if he believed I had abused his client—a fact that Mr. Cassell and the other lawyers could have readily ascertained.

21. Nor was it reasonable to accuse me of pedophilia based on the fact that Ms. Giuffre alleged in the Josefsberg-drafted civil complaint that she had been trafficked by Jeffrey

Epstein to “academicians.” *Id.* As Mr. Cassell is well aware, Jeffrey Epstein was heavily involved in funding academic research at Harvard and kept an office there,<sup>3</sup> and he was consequently friendly with many academics, including David Gergen, Marvin Minsky, Larry Summers, Stephen Kosslyn, Henry Rosovsky, Howard Gardner, and Stephen Jay Gould, among others. Many of these academics engaged in the same behavior that apparently led Mr. Cassell to believe Ms. Giuffre’s allegations that I had abused her. According to workers at Mr. Epstein’s Palm Beach mansion, he received visits from “friends from Harvard” and other “very important people.” Ex. U at 28 (Deposition Transcripts of Alfredo Rodriguez, July 29, 2009 and August 7, 2009). All of the “evidence” that Ms. Giuffre and her lawyers claim implicates *me* is equally applicable to dozens of *other* academics and public figures who were associated with Mr. Epstein—including Larry Summers, Stephen Hawking, Henry Rosovsky, Nathan Myhrvold, Steven Pinker, Martin Nowak, Daniel C. Dennett, David Gergen, George Church, Richard Dawkins, Gerard ‘t Hooft, David Gross, Frank Wilzek, Howard Gardner, Stephen Jay Gould, and many others.

22. Of course, Ms. Giuffre’s credibility on these matters is nil. To cite one example, Harvard Professor [REDACTED] is one of the “academicians” Ms. Giuffre has accused. In the Manuscript that I am trying to unseal, Ms. Giuffre describes having sex with [REDACTED] in great detail:

Two weeks later, as if Jeffrey was trying to lighten my spirits, he told me I would be going to his island to meet a new client. He is a

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<sup>3</sup> My relationship with Jeffrey Epstein, prior to when he was accused and I became one of his lawyers, was academic and intellectual in nature. Along with many prominent academics, I attended seminars and other events, mostly at his office in Cambridge. I did send him my manuscripts to review and I acknowledged his intellectual input in the acknowledgments to several of my books. Many other academics were acquaintances of Mr. Epstein. They interacted with him on a somewhat regular basis, including during the time period in which he was allegedly abusing Ms. Giuffre, and yet, to my knowledge, they had no idea that he may have engaged in sex acts with minors, because he kept his private life completely separate from his academic life. I have never see Mr. Epstein with an underage girl.

[REDACTED]. I would be spending two days with him showing him around the island, dining with him, and treating him to a massage whenever he wanted. Without Jeffrey even verbalizing the need to have sex with him, he told me to keep him happy like I had my first client... [REDACTED]

[REDACTED] ... By the time dinner was served and another red wine bottle later, he seemed to get funnier. I made fun of his tousled hair and he poked at me for my skinny legs, calling me a wanna-be-anorexic. When dessert was brought out he asked if he could receive one of the delightful massages he has been hearing about from Jeffrey. I gulped more red wine down and sweetly complied with his offer, dreading the moment I'd have to see his naked body, let alone touch it... I gave the massage my earnest as I always had, and quickly got through having intercourse with him. Not wanting to make any foreplay or anything extravagant out of it, I let him think that's as good as it got, and by the smile on his face, I thought I had done enough.

Dershowitz Decl., Ex. B at GIUFFRE004192-93.

In her deposition in the *Edwards* defamation lawsuit, she later denied having sex with

[REDACTED]

“Q: Have you ever met a [REDACTED]?”

A: Possibly.

Q: Do you know one way or the other?

A: Do I know?

Q: You said possibly?

A: I was introduced to lots of political, scientific, academic, so there is a possibility I could have met him.

Q: Did you ever have sex with [REDACTED]?

A: No.

Dershowitz Decl., Ex. G at 27.

23. It is inconceivable that Ms. Giuffre could have forgotten about having sex with a man she described in such detail in her Manuscript. She either lied for money in her Manuscript, or committed perjury in her deposition.

24. The same Manuscript that names [REDACTED] and describes a sexual encounter with him in great detail *does not* mention *me* as someone with whom she claims to have had sex. To the contrary, it mentions me only as someone who had a discussion with Mr. Epstein in his bedroom after he had had sex with Ms. Giuffre. *See* Dershowitz Decl., ¶ 37. This entirely fabricated story was obviously inserted as the result of the email exchange between Ms. Giuffre and Sharon Churcher in which Ms. Churcher urges Ms. Giuffre to include my name in her manuscript in order to make it more marketable. *See* Dershowitz Decl., ¶ 35. It is imperative for me to be able to use those currently-sealed documents—the Emails and the Manuscript in particular—to refute the false allegations against me that have been repeated in public filings in this case, and to support the truth, *i.e.*, that Ms. Giuffre never accused me prior to the CVRA Action. Indeed, because they show that the story about me is of very recent vintage, such documents corroborate the information provided to me by Ms. Giuffre’s best and oldest friend: namely that Ms. Giuffre had never accused me of having had sex with her until she felt pressured to do so by her lawyers. This point—that her accusation against me is a recent fabrication—is central to my defense against the false charges that the lawyers in this case continue to level against me, and I have a right to be able to respond to them by self-proving documents.

25. Ms. Giuffre has also claimed to have had sex with such prominent individuals as former [REDACTED], former Governor of New Mexico Bill Richardson, the late renowned M.I.T professor Marvin Minsky, the chairman of the Hyatt Corporation Tom Pritzker, the former Prime Minister of Israel Ehud

Barak, Prince Andrew of England, another unnamed prince, and several unnamed “foreign presidents,” among others. *See, e.g.*, Dershowitz Decl., Ex. G at 10, 15, 18, 20, 24, 38. She has even claimed that all of these individuals, and me, had sex with her without using a condom.<sup>4</sup>

26. To summarize: before choosing to file the Motion for Joinder in the CVRA lawsuit that publicly accused me of pedophilia, Mr. Cassell and Mr. Edwards were aware, or should have been aware, of several other individuals who would fit the description of “academicians” described in the civil complaint submitted by Bob Josefsberg. Moreover, they were aware, or should have been aware, of glaring problems in Ms. Giuffre’s credibility. Yet, Ms. Giuffre’s lawyers decided to treat her as a credible witness, and to accuse me of a heinous crime on the basis of her inconsistent and incoherent testimony alone. I was the only “academician” named as an abuser, despite the fact that Ms. Giuffre had identified other prominent academics as sexual partners. I believe that I was accused by her because my name—along with that of Prince Andrew—was certain to garner international publicity.

**Mr. Epstein’s Associates Plead the Fifth**

27. In his Declaration, Mr. Cassell asserts that, because three of Epstein’s associates—Sarah Kellen, Adrianna Mucinska, and Nadia Marcinkova—asserted their Fifth Amendment privilege against self-incrimination when questioned about me, it was reasonable for him to draw “adverse inference” to the effect that I “was, indeed, involved in Epstein’s crimes.”

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<sup>4</sup> Q. Were condoms ever used with Professor Dershowitz?

A: No, and they weren’t used with any other people as well.

Q: Were the other people that you were sexual [sic] trafficked to?

A: No.

Dershowitz Decl., Ex. G at 177-78.

Cassell Decl., ¶ 21(h). Mr. Cassell’s assumption would be laughable, were not so insidious and improper.

28. In the first place, even a second-year law student knows that adverse inferences can only be drawn against a party who either invokes the Fifth Amendment in a civil case him or herself, or controls the witness who does so (as in an employer-employee relationship). *See LiButti v. United States*, 107 F.3d 110, 123-24 (2d Cir. 1997). Obviously, I have *never* refused to answer questions about Ms. Giuffre’s absurd and false allegations against me—I have repeatedly denied them outright, under oath—and I exercise no control over any of Mr. Epstein’s associates who invoked their Fifth Amendment privilege. There is absolutely no legal basis for an “adverse inference” to be drawn against me by virtue of the privilege invocation by people I barely know and do not control.

29. More importantly, Mr. Cassell’s “reliance” on this invocation is, itself, based on a distortion. The fact is, the three women—Sarah Kellen, Adriana Mucinska, and Nadia Marcinkova—all asserted their Fifth Amendment privileges when answering *every single question* posed to them in their depositions, not solely in response to questions about me. For example, here is this exchange from the deposition of Ms. Kellen:

Q: Did you ever meet Bill Clinton?

....

A [Kellen]: On the instruction of my lawyer, I must invoke my Fifth Amendment right.

Q: Did you ever fly with these three gentlemen and Jeffrey Epstein to Africa on Jeffrey Epstein’s 727 airplane?

....

A: At the instruction of my lawyer, I must invoke my Fifth Amendment right.



Ex. R at 39-40 (Deposition Transcript of Sarah Kellen, March 24, 2010).

30. Of course, Mr. Cassell did not draw an “adverse inference” against President Clinton, nor did he accuse the former president of abusing Ms. Giuffre. It would have been unreasonable to have done so.<sup>5</sup>

31. As Mr. Cassell well knows, witnesses risk waving their Fifth Amendment privilege by invoking it only selectively. This is why defense attorneys generally advise their clients to claim the Fifth as to all questions. Therefore, the associates’ invocation of their Fifth Amendment privilege when questioned about me cannot substantiate any claim that I abused Ms. Giuffre. Had these individuals been asked if they knew whether I had assassinated John F. Kennedy, they would have taken the Fifth. It is irresponsible for Mr. Cassell, who should know better given his experience as a federal judge, to make that absurd claim.

32. In truth, I sincerely wish that Mr. Epstein’s associates had *not* invoked the Fifth Amendment with regard questions about me. Had they testified fully and truthfully, I would have been shown to have done nothing wrong.

**The Testimony of Juan Alessi and Alfredo Rodriguez**

33. In his Declaration, and in the CVRA filings in December 2014 and January 2015, Mr. Cassell attempts to “place” me at Mr. Epstein’s Palm Beach mansion in the time period during which Ms. Giuffre alleges she was there, to connect me to “sex toys” alleged

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<sup>5</sup> Likewise, Ms. Kellen, Ms. Mucinska, and Ms. Marcinkova asserted their Fifth Amendment privilege when questioned about a number of celebrities, including David Copperfield, Kevin Spacey, and Les Wexner, among others. One of the prosecuting attorneys, frustrated by this tactic observed:

I think it’s absolutely absurd that she’s objecting to some for these questions or taking the Fifth to some of these questions. I mean, I want to Sid [sic] to ask her now if the sky is blue. I think she’s going to take the Fifth to that question, as well.

Ex. R at 12.

to have been inside the mansion, to imply that I had received a sexual “massage” at the mansion, and to suggest that the appearance of my name, circled, in Jeffrey Epstein’s address book was inculpatory—all by reference to the testimony of two of Jeffrey Epstein’s “household employees,” Juan Alessi and Alfredo Rodriguez. Cassell Decl., ¶ 21(k)-(m). This effort fails under even cursory scrutiny.

34. First, Mr. Cassell asserts that “Juan Alessi said that [Alan] Dershowitz visited Epstein’s Palm Beach mansion four or five times a year, staying two or three days when he went there.” Cassell Decl., ¶ 21(k). He then asserts that “Alessi was able to identify a photograph of Ms. Giuffre as someone who was at the mansion as [sic] the same time as Dershowitz.” *Id.* Mr. Cassell’s characterization of the Alessi testimony is simply false. Juan Alessi *never* testified that Ms. Giuffre was at Epstein’s home in Florida at the same time as me.

35. Mr. Cassell’s assertion is apparently based on the following portion of Juan Alessi’s deposition:

Q: Do you have any recollection of V.R. coming to the house when Prince Andrew was there?

A: It could have been, but I’m not sure.

Q: Not sure. When Mr. Dershowitz was visiting,--

A: Uh-huh.

Q: --how often did he come?

A: He came pretty -- pretty often.

McCawley Decl., Ex. 6 at 73.

36. But, as the audio recording of this testimony makes clear (and I am happy to provide it), Mr. Alessi’s “uh-huh” was simply an acknowledgment that he was about to respond to a question about how often I came to the home during the many years he worked

there. It was not, as Mr. Cassell misleadingly suggests, an affirmation that Ms. Giuffre and I were present at Mr. Epstein's house at the same time.

37. In fact, Mr. Alessi has since provided an affidavit flatly *denying* that he saw both Ms. Giuffre and I at the Palm Beach mansion at the same time.

“I was never asked by any attorneys if Virginia Roberts came to the house when Mr. Dershowitz was there. If I had been asked, I would have answered that I never saw Virginia Roberts at the house when Mr. Dershowitz was there.”

Ex. Q at ¶ 19 (Affidavit of Juan P. Alessi, January 13, 2016). Indeed, in his affidavit, Mr. Alessi goes on to say, “I never saw Mr. Dershowitz do anything improper or be present while anyone else was being improper.” *Id.*

38. Juan Alessi's affidavit also confirms that Mr. Cassell and Edwards failed to interview him as part of their supposed “investigation” into Ms. Giuffre's claims, and consequently grossly misrepresented the statements he made in his deposition:

The following statement made by Virginia Roberts's attorneys and their own attorney in a filing on December 4, 2015 is not accurate and is a misrepresentation of what I said in my deposition: “Alessi was able to identify a photograph of Ms. Giuffre as someone who was at the mansion as [sic] the same time as Dershowitz.

As far as I can recall, since I gave my deposition in 2009, I have never been asked by Brad Edwards or Paul Cassell about my knowledge regarding Virginia Roberts or Alan Dershowitz or about my 2009 deposition testimony.

*Id.* at ¶¶ 20-21.

39. In an effort to “place” me in proximity to “sex toys” at the Palm Beach mansion, Mr. Cassell and Mr. Edwards also misrepresented other aspects of Juan Alessi's testimony. For example, in an affidavit, Mr. Alessi states that:

The following statement made by Virginia Roberts’s attorneys in a filing on January 21, 2015 is not accurate and is a misrepresentation of what I said in my deposition: “the private, upstairs room where Dershowitz got his ‘massages’ was one that contained a lot of vibrators—Maxwell had a ‘laundry basket... full of those toys’ in that room.””

....

I did not state or imply that vibrators or sex toys were found after massages in other rooms used by guests because that was not the case. Guests having massages did not have massages in Mr. Epstein’s private bedroom suite. This area was private and off-limits to guests, which I explained to the lawyers during my deposition.

*Id.* at ¶¶ 9-10.

40. Juan Alessi undermines numerous other elements of Ms. Giuffre’s account as well. For example, Mr. Alessi did not see “any photographs of Virginia Roberts in Mr. Epstein’s house”—partially naked or otherwise. *Id.* at ¶ 17. And, contrary to Ms. Giuffre’s description, massages were not simply a code word for sexual encounters. Many guests at the Epstein mansion received massages from professional masseuses—and all of whom were, as Mr. Alessi testified, “overage” to “maybe mid-forties.” *Id.* at ¶ 8. Indeed, despite working for Jeffrey Epstein for many years, Mr. Alessi was “unaware of any masseuses being under the age of 18.” *Id.* This statement in itself completely undermines Mr. Cassell’s underlying assumption—that I, at the very least, should have known of Mr. Epstein’s alleged wrongdoing by virtue of visiting his Florida home on several occasions.

41. To be clear, the only massage I recall receiving at the Epstein home was conducted by a professional masseuse—a woman in her 30s or 40s. This occurred well outside the timeframe when Ms. Giuffre was associated with Mr. Epstein and I acknowledged this in numerous interviews shortly after Ms. Giuffre accused me.<sup>6</sup> In addition, there were never

<sup>6</sup> See, for example: Bob Norman, “Alan Dershowitz: ‘Sex Slave’ Accuser is Serial Liar, Prostitute,” Local 10 News, 22 January 2015, available at <http://www.local10.com/news/alan-dershowitz-sex-slave-accuser-is-serial-liar->

any sex toys in any room I ever stayed in, nor were there any visible pictures of naked young women. My children and grandchildren stayed in the rooms in question at Mr. Epstein's home during Christmas of 2005. I would never have allowed my family to stay in a home with such items, nor would I have stayed in such a home.

42. Mr. Cassell also seeks to rely upon the deposition of Alfredo Rodriguez, an employee of Jeffrey Epstein for the proposition that I was present in Mr. Epstein's home in 2005 at the same time as some young women—including Ms. Kellen and Ms. Marcinkova<sup>7</sup>—and “local girls” who gave massages. *See* Cassell Decl., ¶ 21(l). But Mr. Rodriguez was clear that he did not know whether I received a massage, and did not know if I was aware that there were young girls present in the house:

“Q: Okay. When Alan Dershowitz was at the house I understood you to say that these local Palm Beach girls would come over to the house while he was there but you're not sure if he had a massage from any of those girls.

A: Exactly.

Q: And what would he do while those girls were at the house?

....

A: He will read a book with a glass of wine by the pool, stay inside.

Q: Did he ever talk to any of the girls?

A: I don't know, sir.

Q: Certainly he knew that they were there?

....

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prostitute. I never denied having one professional massage. I did truthfully state that it was a lie to claim that I had sexual massages in a room full of sex toys.

<sup>7</sup> Ms. Kellen was in her late 20s and to my knowledge, was a legitimate employee of Mr. Epstein. Ms. Marcinkova was, to my knowledge, an adult friend of Mr. Epstein.

A: I don't know sir."

Ex. U at 426-27.

43. Mr. Rodriguez's testimony contained nothing inculpatory of me and, inasmuch as it concerned the period 2005 and later, it has absolutely no bearing on Ms. Giuffre's allegations about me, since Ms. Giuffre left Mr. Epstein's orbit in 2002.

44. Mr. Cassell also refers to Mr. Epstein's "little black book" of contacts and phone numbers, which Alfredo Rodriguez had stolen. Mr. Cassell claims that "[Rodriguez] appeared to have circled the name of Alan Dershowitz as someone who had information about Epstein['s] criminal activities." Cassell Decl., ¶ 21(m). Of course, what Mr. Rodriguez did or didn't write or circle in Mr. Epstein's address book is probative of nothing. In fact, however, the address book contained the circled names of *many* celebrities and other individuals, including Donald Trump, Flavio Briatore, and Courtney Love, among others.<sup>8</sup> Even the late Elie Wiesel's name and redacted phone number was in the "black book." And yet, Mr. Cassell seems to have falsely assumed that, among those individuals whose names were in the book circled, only I was a possible accomplice of Mr. Epstein:

Q: Donald Trump was a friend of Jeffrey Epstein; is that not correct?

A: I really don't -- my understanding is yes, but I -- I don't have a lot of information about Trump.

Q: It's true also, is it not, that Mr. Trump was a frequent visitor to Mr. Epstein's residence?

A: I -- I know that he visited frequent. I -- I don't have a lot of information about Trump.

Q: And his name is circled in this book; is it not?

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<sup>8</sup> Including Peter Soros, Joseph and Florina Rueda, Alberto Pinto, Valda Veira Cotrin, Evan Anderson, Michelle Campos, Eric Gany, Cindy Lopez, Timothy Newcombe, Douglas Schoettle, Caroline Stark, Larry Visoski, Tom and Pat Sawyers, Lynn Fontanella, Christophe Gaie, Bill Maronet, Mike Pazulo, Alan Stopek, and Bruce King.

A: I believe it is.

Q: Based on him -- assuming he's a frequent visitor to Mr. Epstein's home, and that he's a friend of Mr. Epstein's, and that his name is circled in this book, do you infer that he was engaged in criminal sexual abuse of minors?

A: No.

Ex. O at 233.

**The Allegation That I Engaged in a "Pattern of Deception"**

45. The Cassell Declaration asserts that "[a]ttempts had been made to depose Dershowitz or otherwise obtain information from him about his knowledge of Epstein's sexual abuse in 2009, 2011, 2013, and January 2015, and he had avoided all those efforts." Cassell Decl., ¶ 21(o). Mr. Cassell also claims that I did not make Epstein "available to answer questions about sex abuse of underage girls." *Id.* ¶ 21(p). Mr. Cassell describes this as "a pattern of deception" that was "consistent with a pattern of other persons involved in Epstein's international sex trafficking organization." *Id.* ¶ 21(p)-(q). Again, these assertions are false or misleading, and absurd in equal measure.

46. During my representation of Jeffrey Epstein, I was a member of an extensive legal team, which collectively decided how Epstein should interact with law enforcement during their investigation. Together with other members of the legal team, I, among others, communicated with the Palm Beach State Attorney's Office—including scheduling meetings to depose Epstein—at the behest of the client. This behavior does not constitute a "pattern of deception;" instead, it reflects a legal strategy, devised by a team of defense lawyers aiming to secure the best possible result for their client.



47. Moreover, Mr. Cassell's claim that I dodged a subpoena or systematically avoided providing information to his and Mr. Edwards' lawyer, Jack Scarola, is demonstrably false.

48. Although a legal assistant for Bradley Edwards, one of Ms. Giuffre's lawyers, once claimed that I was served with a subpoena in 2009, this was not true; I was never served with a subpoena, and contemporaneous documentary evidence proves as much.

49. In August 2011, another attorney representing Ms. Giuffre, Jack Scarola, called me to ask that I provide information on Mr. Epstein's alleged abuse of minors, and particularly young women. I responded on August 15<sup>th</sup>, in writing that, if Mr. Scarola were to provide me with a more detailed request, I would try to provide any relevant non-privileged information. *See* Ex. S at SCAROLFA 016566 (Scarola Correspondence, August-September 2011). Mr. Scarola wrote back to me on August 23<sup>rd</sup>, stating that "We . . . have reason to believe that you have personally observed Jeffrey Epstein in the presence of underage females, and we would like the opportunity to question you under oath about those observations." *Id.* at SCAROLA 016567. I replied that "If you in fact have such testimony it is perjurious. I have never seen Epstein in the presence of an underage female." *Id.* at SCAROLA 016570.

50. Despite this unambiguous answer, Mr. Edwards and Mr. Scarola attempted to subpoena me in 2013. This time, they left a subpoena with an assistant to another faculty member at Harvard Law School—an improper form of service. I again made it clear to them that I had no relevant non-privileged information to provide, and that I had been instructed by my client not to volunteer any information. There was no follow up by Mr. Scarola and no attempt to serve me properly.

51. At no point did Mr. Edwards, Mr. Scarola, or any of their associates tell me that Ms. Giuffre had accused me of sexual abuse, because, at that point, she had not. Had I been accused at that time, I would have provided records demonstrating the falsity of any such allegations.

*Other Facts That Show that Ms. Giuffre Lacks Credibility*

52. Inasmuch as Mr. Cassell is inviting this Court to accept Virginia Roberts Giuffre's assertions about me, other examples of her lack of credibility are relevant.

53. In the first place, Ms. Giuffre has been demonstrated to have made up wildly implausible tales for financial gain. In 2011, for example, Ms. Giuffre was interviewed by Sharon Churcher at *The Daily Mail*, and provided detailed accounts of an alleged encounter with Bill Clinton on Jeffrey Epstein's private island in the Caribbean. In exchange for that interview, Ms. Giuffre was paid \$160,000. Ms. Giuffre's account of meeting Clinton is both completely unbelievable on its face, and demonstrably untrue. For example, she claims that: "Ghislaine Maxwell went to pick up Bill [Clinton] in a huge black helicopter that Jeffrey had bought her. She'd always wanted to fly and Jeffrey paid for her to take lessons, and I remember she was very excited because she got her license around the first year we met. I used to get frightened flying with her but Bill had the Secret Service with him and I remember him talking about what a good job she did." Ex. T at 2-3 (Daily Mail Article, March 5, 2011). Ms. Giuffre then described, in detail, a dinner with President Clinton, Jeffrey Epstein and others on Little St. James Island, which Mr. Epstein owned.<sup>9</sup>

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<sup>9</sup> Further demonstrating her ability to weave a vivid, yet utterly false tale, Ms. Giuffre also recounts that: "We all dined together that night. Jeffrey was at the head of the table. Bill was at his left. I sat across from him. Emmy Tayler, Ghislaine's blonde British assistant sat at my right. Ghislaine was at Bill's left and at the left of Ghislaine there were two olive-skinned brunettes who'd flown in with us from New York.... Maybe Jeffrey thought they would entertain Bill, but I saw no evidence that he was interested in them. He and Jeffrey and Ghislaine seemed to have a very good relationship. Bill was very funny." Ex. T at 3-4.

54. Ms. Giuffre’ entire account is fabricated out of whole cloth: President Clinton was never on the island during the relevant period. A FOIA request submitted by former FBI Director Louis Freeh for “all shift logs, travel records, itineraries, reports, and other records for USSS personnel travelling with former President Bill Clinton to Little St. James Island and the US Virgin Islands” revealed that “Bill Clinton did not in fact travel to, nor was he present on, Little St. James Island between January 1, 2001, and January 1, 2003.” *See* Dershowitz Decl., Ex. I. Moreover, the notion that the Secret Service would allow a former president to be flown by an amateur pilot is ridiculous on its face.

55. In that same Daily Mail article, Ms. Giuffre claimed “that Mr. Clinton’s vice-president Al Gore and his wife, Tipper, were also guests of Epstein on his island” on a different occasion. Ex. T at 4. Ms. Giuffre purported to provide specific details of this encounter: “I had no clue that anything was up. The Gores seemed like a beautiful couple when I met them. All I knew was that Mr. Gore was a friend of Jeffrey’s and Ghislaine’s. Jeffrey didn’t ask me to give him a massage. There might have been a couple of other girls there on that trip but I could never have imagined this guy would do anything wrong. I was planning to vote for him when I turned 18. I thought he was awesome.” *Id.* at p. 5.

56. This story too was made up – a fiction peddled for money. By all available accounts, Mr. Gore and his wife *never set foot* on Mr. Epstein’s private island, nor even met Mr. Epstein. Ms. Giuffre’ lawyers, who included David Boies, could easily have ascertained as much. Vice President Gore had been Mr. Boies’s client and Mr. Boies could have simply asked him whether he had ever visited Mr. Epstein’s island in the Caribbean. Had he done so, Mr. Boies would have learned that Ms. Giuffre’s account was false.

57. Critically, Ms. Giuffre also lied about her age—specifically, the age she was during the time period in which she was associated with Jeffrey Epstein. Contrary to previous statements that she was fifteen when she was trafficked by Mr. Epstein, Ms. Giuffre could not have even have met him until 2000, the year she turned seventeen. There is documentary evidence, recently discovered and undisputed, that Ms. Giuffre’ father—who arranged her employment at The Mar-A-Lago Club in Palm Beach—did not begin working there until April 11, 2000. Ms. Giuffre has repeatedly stated that she first met Ghislaine Maxwell at the Mar-A-Lago where she had a summer job as a changing room assistant—indeed it is one of the few aspects of her story that has remained consistent from the outset.<sup>10</sup> Ms. Giuffre turned seventeen in the summer of 2000. By the time Mr. Epstein is alleged to have begun trafficking her to his acquaintances—six to nine months *after* their first encounter,<sup>11</sup> or in at least one telling *two years* later,<sup>12</sup> Ms. Giuffre may have been over eighteen.

58. The issue of Ms. Giuffre’s age at the time of certain events is important as a legal matter—and her lack of credibility about it is telling. The age of consent in New York is seventeen. As to the other locations with varying ages of consent—in Florida it is eighteen—it is impossible to know whether Ms. Giuffre is claiming to have been a minor because she has never specified—presumably even to her own lawyers—*when* the alleged acts were supposed to have occurred. She has not even provided *the year* in which she claims specific events occurred. So it cannot be presumed—by her lawyers or by anyone else—that she was a minor when she

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<sup>10</sup> See for example, Zachary Davies Boren, *Virginia Roberts: Who is the woman at the centre of the Prince Andrew sex allegations?*, The Independent (Jan. 5, 2015), available at <http://www.independent.co.uk/news/uk/home-news/virginia-roberts-what-do-we-know-about-the-woman-at-the-centre-of-the-prince-andrew-sex-allegations-9958539.html>.

<sup>11</sup> See for example, Ex. V at 10 (Telephone Interview with Virginia Roberts, April 7, 2011).

<sup>12</sup> See Sharon Churcher, *Prince Andrew and the 17-year-old Girl His Sex Offender Friend Flew to Britain to Meet Him*, DailyMail.com (Mar. 2, 2011) (“‘After about two years, he started to ask me to ‘entertain’ his friends.’”). Available at <http://www.dailymail.co.uk/news/article-1361039/Prince-Andrew-girl-17-sex-offender-friend-flew-Britain-meet-him.html?ito=feeds-newsxml>.

claims that Mr. Epstein trafficked her. It is much more likely, in light of when she actually met Jeffrey Epstein and when she says she began to have sex with his acquaintances, that she was *not* a minor when she claimed to have had sex with any such people.

59. Moreover, Ms. Giuffre has perjured herself by claiming that she was 15 when she met Ms. Maxwell and Mr. Epstein, most notably by submitting an untruthful declaration in the *Edwards* defamation lawsuit. On November 20, 2015 Ms. Giuffre executed an affidavit in which she alleged that: “In approximately 1999, when I was 15 years old, I met Ghislaine Maxwell . . . Soon after that I went to Epstein’s home in Palm Beach on El Brillo Way. From the first time I was taken to Epstein’s mansion that day, his motivations and actions were sexual, as were Maxwell’s.... Epstein and Maxwell forced me into sexual activity with Epstein. I was 15 years old at the time.” Ex. W at ¶ 4-5 (Declaration of Virginia Roberts, January 21, 2015).

60. She also asserted that when she “was approximately 15 or 16 years old” when Mr. Epstein and Ms. Maxwell began trafficking her to Epstein’s acquaintances. These statements are disproven by documentary evidence, and Ms. Giuffre has herself admitted that they are not true.

### **Conclusion**

61. In his Declaration before this Court, Paul Cassell has provided an accounting of the “evidence” that he claims supports the truth of Virginia Roberts Giuffre’s accusations against me. It is a woefully inadequate presentation, as the preceding paragraphs demonstrate. The irony, of course, is that Mr. Cassell’s accounting is in service to his and his client’s goal of keeping sealed far more compelling evidence—namely, the Requested Documents—that undercuts the accusations against me and shows them to be a recent

fabrication. This is part of an overarching plan by Ms. Giuffre's lawyers to cherry-pick the evidence they want to *publically* reveal while using this Court's powers to suppress evidence damaging to them. There is a further irony as well, which is that the entire basis of Ms. Giuffre's participation in the CVRA Action was a complaint that the Government unlawfully kept secret the details of her alleged victimization at Mr. Epstein's hands. Yet it is now Ms. Giuffre and her lawyers who are seeking to keep secret the whole truth about Ms. Giuffre's story.<sup>13</sup>

62. I believe that the law and basic notion of fairness should permit me to prove the whole truth, namely, that Ms. Giuffre never accused me of misconduct until 2014, and that her belated complaint against me is, as I have always said, a fabrication from start to finish. The Requested Documents help prove those critical points. This Court ought not allow itself to be a tool of secrecy used by Ms. Giuffre and her lawyers to keep the whole truth from coming out.

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<sup>13</sup> As described in my opening Declaration, Ms. Giuffre's legal assault on me, conducted through her lawyers at Boies Schiller & Flexner LLP ("BSF"), continues in the form of a motion for sanctions in Florida state court. There, she claims that I violated a court order in the *Edwards* defamation lawsuit by testifying truthfully in a deposition about discussions that I had had with David Boies. Prior to my testimony, my lawyers submitted an affidavit from me to the Florida court describing these discussions, and the Florida judge sealed the affidavit. He did not direct that I refrain from testifying about the matter, nor did he sanction me for disclosing the discussion in an affidavit, as Ms. Giuffre's lawyers requested. When asked whether he was making a ruling on the BSF motion for sanctions regarding the content of the affidavit, Judge Lynch replied "No. I'm just sealing these [the affidavit] because I think they should be sealed." Ex. X at 24 (Transcript of Emergency Motion to Seal, December 18, 2015). Thus, contrary to the later motion for sanctions, there was no "gag order" placed in me when the affidavit was submitted, nor did I violate any court order by truthfully answering a question put to me by the opposing lawyer and offering to seal my answer. The BSF motion for sanctions was subsequently dismissed for lack of jurisdiction and standing, and is now being appealed by Ms. Giuffre.

Dated: September 14, 2016  
New York, New York



ALAN M. DERSHOWITZ



# **EXHIBIT C**

**From:** jeffrey E. <jeevacation@gmail.com>  
**Sent:** Sunday, January 25, 2015 4:41 AM  
**To:** G Maxwell  
**Subject:** Re:

ok, with me, You have done nothing wrong and i would urge you to start acting like it. go outside, head high, not as an escaping convict. go to parties. deal with it. . i had lisa svensson the swedish ocean ambassador yesteady she said no one on her ocean panel takes this stuff seriously and you would be welcoe to the ocean conferenec water conference etc.

On Sat, Jan 24, 2015 at 1:22 PM, G Maxwell <GMax1@ellmax.com> wrote:

I would appreciate it if [REDACTED] would come out and say she was your g'friend - I think she was from end 99 to 2002

THE TERRAMAR PROJECT  
FACEBOOK  
TWITTER  
G+  
PINTEREST  
INSTAGRAM  
PLEDGE  
THE DAILY CATCH

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please note

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of JEE

Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to [jeevacation@gmail.com](mailto:jeevacation@gmail.com), and destroy this communication and all copies thereof, including all attachments. copyright -all rights reserved

# **EXHIBIT E**

**IN RE:  
INVESTIGATION OF  
JEFFREY EPSTEIN**

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**NON-PROSECUTION AGREEMENT**

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein by indictment with solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation into Epstein's background and any offenses that may have been committed by Epstein against the United States from in or around 2001 through in or around September 2007, including:

- (1) knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation

of Title 18, United States Code, Section 2423(b); and

- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, knowing that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein seeks to resolve globally his state and federal criminal liability and Epstein understands and acknowledges that, in exchange for the benefits provided by this agreement, he agrees to comply with its terms, including undertaking certain actions with the State Attorney's Office;

IT APPEARING, after an investigation of the offenses and Epstein's background by both State and Federal law enforcement agencies, and after due consultation with the State Attorney's Office, that the interests of the United States, the State of Florida, and the Defendant will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

If the United States Attorney should determine, based on reliable evidence, that, during the period of the Agreement, Epstein willfully violated any of the conditions of this Agreement, then the United States Attorney may, within ninety (90) days following the expiration of the term of home confinement discussed below, provide Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution on any offense within sixty (60) days' of giving notice of the violation. Any notice provided to Epstein pursuant to this paragraph shall be provided within 60 days of the United States learning of facts which may provide a basis for a determination of a breach of the Agreement.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that arose from the Federal Grand Jury investigation will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to the Indictment as currently pending against him in the 15th Judicial Circuit in and for Palm Beach County (Case No. 2006-cf-009495AXXXMB) charging one (1) count of solicitation of prostitution, in violation of Fl. Stat. § 796.07. In addition, Epstein shall plead guilty to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of minors to engage in prostitution, in violation of Florida Statutes Section 796.03;
2. Epstein shall make a binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
  - (a) Epstein shall be sentenced to consecutive terms of twelve (12) months and six (6) months in county jail for all charges, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
  - (b) Epstein shall be sentenced to a term of twelve (12) months of community control consecutive to his two terms in county jail as described in Term 2(a), *supra*.
3. This agreement is contingent upon a Judge of the 15th Judicial Circuit accepting and executing the sentence agreed upon between the State Attorney's Office and Epstein, the details of which are set forth in this agreement.
4. The terms contained in paragraphs 1 and 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to recommend any additional charge(s) or any additional term(s) of probation and/or incarceration.
5. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence, except a sentence that exceeds what is set forth in paragraph (2), *supra*.
6. Epstein shall provide to the U.S. Attorney's Office copies of all

proposed agreements with the State Attorney's Office prior to entering into those agreements.

7. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States, in consultation with and subject to the good faith approval of Epstein's counsel, shall select an attorney representative for these persons, who shall be paid for by Epstein. Epstein's counsel may contact the identified individuals through that representative.
8. If any of the individuals referred to in paragraph (7), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified individual and Epstein, so long as the identified individual elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement, his waivers and failures to contest liability and such damages in any suit are not to be construed as an admission of any criminal or civil liability.
9. Epstein's signature on this agreement also is not to be construed as an admission of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person whose name does not appear on the list provided by the United States.
10. Except as to those individuals who elect to proceed exclusively under 18 U.S.C. § 2255, as set forth in paragraph (8), *supra*, neither Epstein's signature on this agreement, nor its terms, nor any resulting waivers or settlements by Epstein are to be construed as admissions or evidence of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person, whether or not her name appears on the list provided by the United States.
11. Epstein shall use his best efforts to enter his guilty plea and be



sentenced not later than October 26, 2007. The United States has no objection to Epstein self-reporting to begin serving his sentence not later than January 4, 2008.

12. Epstein agrees that he will not be afforded any benefits with respect to gain time, other than the rights, opportunities, and benefits as any other inmate, including but not limited to, eligibility for gain time credit based on standard rules and regulations that apply in the State of Florida. At the United States' request, Epstein agrees to provide an accounting of the gain time he earned during his period of incarceration.
13. The parties anticipate that this agreement will not be made part of any public record. If the United States receives a Freedom of Information Act request or any compulsory process commanding the disclosure of the agreement, it will provide notice to Epstein before making that disclosure.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. Epstein understands that it is his obligation to undertake discussions with the State Attorney's Office and to use his best efforts to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States' interest. Epstein also understands that it is his obligation to use his best efforts to convince the Judge of the 15th Judicial Circuit to accept Epstein's binding recommendation regarding the sentence to be imposed, and understands that the failure to do so will be a breach of the agreement.

In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirators of Epstein, including but not limited to Sarah Kellen, Adriana Ross, Lesley Groff, or Nadia Marcinkova. Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, specifically evidence requested by or directly related to the grand jury subpoenas that have been issued, and including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied. Upon the successful completion of the terms of this agreement, all outstanding grand jury subpoenas shall be deemed withdrawn.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein and any other individual or entity for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement as to those offenses that were the subject of the grand jury's investigation. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted for any offense that was the subject of the grand jury's investigation, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury as to any such offense.

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By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By: \_\_\_\_\_

A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

Dated: 9/24/07

  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

LILLY ANN SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_


By:

\_\_\_\_\_  
A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: 9/24/07

  
\_\_\_\_\_  
GERALD LEFCOURT/ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
LILLY ANN SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By: \_\_\_\_\_

A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

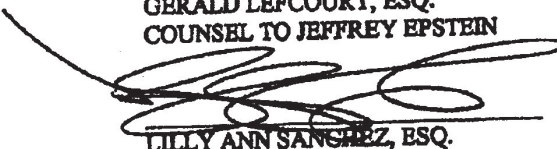
Dated: \_\_\_\_\_

JEFFREY EPSTEIN

Dated: \_\_\_\_\_

GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: 9-24-07

  
LILLY ANN SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN

# **EXHIBIT F**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

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VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 21, 2016  
9:17 a.m.

C O N F I D E N T I A L

Deposition of JOSEPH RECAREY, pursuant to notice, taken by Plaintiff, at the offices of Boies Schiller & Flexner, 401 Las Olas Boulevard, Fort Lauderdale, Florida, before Kelli Ann Willis, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public within and for the State of Florida.



1 JOSEPH RECAREY - CONFIDENTIAL

2 BY MR. PAGLIUCA:

3 Q. Then there's a category, victim  
4 information, and then we have listed, I believe, a  
5 total of 17 individuals that the Palm Beach Police  
6 Department incident report lists as alleged victims  
7 in this case, correct?

8 A. Correct.

9 Q. And are you aware as to whether or not  
10 that list was supplemented after July 25th, 2006, in  
11 the investigative incident report?

12 A. I'm not sure if it was updated or not.

13 MR. PAGLIUCA: I don't know if we want to  
14 mark this or not. I can hand you what I  
15 believe to be a more recent, or I think you  
16 actually brought one with you --

17 THE WITNESS: I did.

18 MS. SCHULTZ: If you're talking about the  
19 document that he brought with him, I had it  
20 Bates labeled.

21 MR. PAGLIUCA: We can show him that. I  
22 think I have the same document here. And we  
23 can -- I guess we'll mark that as 11.

24

25

1 JOSEPH RECAREY - CONFIDENTIAL

2 (The referred-to document was marked by  
3 the court reporter for Identification as  
4 Deposition Exhibit 11.)

5 BY MR. PAGLIUCA:

6 Q. If you look at the -- is that what you're  
7 looking at?

8 MS. SCHULTZ: That's mine. I just wanted  
9 to make sure it's the same.

10 BY MR. PAGLIUCA:

11 Q. If you go into the third -- I think it's  
12 the third page of that document, we then end with VI  
13 17 Juno.

14 Do you see that?

15 A. Yes.

16 Q. So that would tell me that there were no  
17 individuals listed as additional victims as of the  
18 conclusion of your investigation in this case; is  
19 that correct?

20 MS. SCHULTZ: Object to form and  
21 foundation.

22 THE WITNESS: That's correct.

23 BY MR. PAGLIUCA:

24 Q. Okay. So let's stick with Exhibit 1, and  
25 let's go to Narrative No. 1, which is on page 11 of

1 JOSEPH RE CAREY - CONFIDENTIAL

2 Exhibit 1. Are you with me?

3 A. Uh-huh.

4 Q. Okay. Again, this was information that  
5 was obtained by Detective Pagan, correct?

6 A. Correct.

7 Q. And it's true, is it not, that this  
8 alleged victim never claimed to have been recruited  
9 by Ghislaine Maxwell; true?

10 MS. SCHULTZ: Object to form and  
11 foundation.

12 THE WITNESS: Correct.

13 BY MR. PAGLIUCA:

14 Q. And this individual, alleged victim No. 1,  
15 never identified Ghislaine Maxwell as being at  
16 Mr. Epstein's house when she was there, correct?

17 MS. SCHULTZ: Object to form and  
18 foundation.

19 THE WITNESS: I don't believe so.

20 BY MR. PAGLIUCA:

21 Q. You don't believe so --

22 A. I don't believe so.

23 Q. That she ever identified Ghislaine Maxwell  
24 as being in the house?

25 A. Right.

1 JOSEPH RE CAREY - CONFIDENTIAL

2 Q. Okay. She never -- this individual,  
3 victim No. 1, never claimed that Ghislaine Maxwell  
4 paid her any money, correct?

5 A. Correct.

6 Q. And this individual No. 1 never claimed  
7 that Ms. Maxwell instructed her what to wear,  
8 correct?

9 A. Right.

10 Q. This individual never claimed that  
11 Ghislaine Maxwell told her how to act, correct?

12 A. Correct.

13 Q. This individual never claimed to have met  
14 Ghislaine Maxwell ever, correct?

15 A. I don't believe so, no.

16 Q. This individual never claimed to even have  
17 spoken to Ghislaine Maxwell ever, correct?

18 A. I don't believe so, no.

19 Q. And when you say "I don't believe so, no,"  
20 that means my statement to you is correct; is that  
21 right?

22 MS. SCHULTZ: Object to form, foundation.

23 THE WITNESS: Well, you're saying "ever."

24 I don't know if she's ever, ever spoken to --

25

1 JOSEPH RECAREY - CONFIDENTIAL

2 BY MR. PAGLIUCA:

3 Q. To Detective Pagan.

4 A. Right. To my knowledge, I don't know,  
5 because Detective Pagan is the one who actually  
6 interviewed her. So I don't know to the answer of  
7 "ever." So not to my knowledge.

8 Q. Certainly, nothing in Exhibit 1, Narrative  
9 1 reflects that this individual ever met or talked  
10 to or spoke to Ghislaine Maxwell, right?

11 A. Right. Not to my knowledge.

12 Q. And, indeed, you would agree with me that  
13 if this individual claimed that Ms. Maxwell had  
14 something to do with the events listed in Narrative  
15 1, you would have folded up on it, as the  
16 investigating detective, right?

17 MS. SCHULTZ: Object to the form.

18 THE WITNESS: Either myself or Detective  
19 Pagan would have.

20 BY MR. PAGLIUCA:

21 Q. Sure. And when you got the case six  
22 months later, if there hadn't been follow-up, you  
23 would have followed up on it, right?

24 MS. SCHULTZ: Object to form.

25 THE WITNESS: Correct.

1 JOSEPH RECAREY - CONFIDENTIAL

2 A. Yes.

3 Q. And then you asked various individuals who  
4 was there when you went to Mr. Epstein's house,  
5 right?

6 A. Correct.

7 Q. And you then, to the best of your ability,  
8 recorded those answers, I take it, as to who was  
9 there, right?

10 A. Yes.

11 Q. And with regard to [REDACTED] she never said  
12 anything about Ghislaine Maxwell being at  
13 Mr. Epstein's house, did she?

14 MS. SCHULTZ: Object to form and  
15 foundation.

16 BY MR. PAGLIUCA:

17 Q. To you?

18 A. I don't believe she did.

19 Q. Okay. And if she did, it's likely that  
20 you would have recorded it, correct?

21 A. Correct, and it would be on the -- it  
22 would be on the tape.

23 Q. Right.

24 She never claimed, [REDACTED] that Ms. Maxwell  
25 paid her, right?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form and  
3 foundation.

4 THE WITNESS: Correct.

5 BY MR. PAGLIUCA:

6 Q. She never claimed that -- ■ never claimed  
7 that Ms. Maxwell instructed her about what to wear,  
8 correct?

9 MS. SCHULTZ: Object to the form.

10 THE WITNESS: Correct.

11 BY MR. PAGLIUCA:

12 Q. ■ never claimed that Ms. Maxwell told her  
13 how to act at Mr. Epstein's house, correct?

14 MS. SCHULTZ: Object to form.

15 THE WITNESS: Correct.

16 BY MR. PAGLIUCA:

17 Q. ■ never claimed to have met Ghislaine  
18 Maxwell anywhere, correct?

19 MS. SCHULTZ: Object to form.

20 THE WITNESS: I don't believe so, no.

21 BY MR. PAGLIUCA:

22 Q. Okay. If we go on to individual alleged  
23 victim No. 3, AY, the same question: AY never  
24 identified Ms. Maxwell as someone she knew or  
25 interacted with in any fashion, correct?



1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form.

3 THE WITNESS: No.

4 BY MR. PAGLIUCA:

5 Q. No, she did not?

6 A. No, she did not.

7 Q. Okay. The same with individual No. 4,  
8 alleged victim FP: Again, FP never claimed to have  
9 met with Ms. Maxwell, correct?

10 MS. SCHULTZ: Object to form and  
11 foundation.

12 THE WITNESS: I don't believe so, no.

13 BY MR. PAGLIUCA:

14 Q. Okay. And FP never identified Ms. Maxwell  
15 as someone being at Mr. Epstein's house, correct?

16 MS. SCHULTZ: Object to form and  
17 foundation.

18 BY MR. PAGLIUCA:

19 Q. And if you need to look at your report --

20 A. No, I don't -- I don't believe so. The  
21 only people that recalled Ghislaine at the house  
22 was --

23 Q. Sjoberg?

24 A. Johanna Sjoberg.

25 Q. Who was over the age of 18, correct?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form and  
3 foundation.

4 THE WITNESS: And Venero, Christina  
5 Venero.

6 BY MR. PAGLIUCA:

7 Q. Who is an adult as well?

8 MS. O'CONNOR: Object to form.

9 THE WITNESS: Yes.

10 BY MR. PAGLIUCA:

11 Q. So out of your entire report, the only two  
12 people who ever said anything about Ms. Maxwell were  
13 Ms. Sjoberg, who I believe was 23 when you  
14 interviewed her?

15 A. Right, but she was --

16 MS. SCHULTZ: Object to form and  
17 foundation.

18 THE WITNESS: She was -- she had worked  
19 there for quite some time, so you would have to  
20 back up, I think, a year or two.

21 BY MR. PAGLIUCA:

22 Q. She was an adult when she worked there?

23 A. Right. She was over the age of 18, right,  
24 let's put it that way.

25 Q. And she was not listed by you as a victim

1 JOSEPH RECAREY - CONFIDENTIAL

2 as part of this case, right?

3 A. Correct, because it was between two  
4 consenting adults.

5 Q. Exactly.

6 And so that's Ms. Sjoberg, and then the  
7 other individual, I think you said Bolero; is that  
8 right?

9 A. Venero, Christina Venero. She's a --

10 Q. Adult masseuse, correct?

11 A. Yes. I remember she had lots of tattoos.

12 Q. Tatts, right.

13 But the 17 individuals that you listed in  
14 Exhibit 1, none of those individuals ever said the  
15 word -- the words "Ghislaine Maxwell" during the  
16 course of this investigation to you, correct?

17 MS. SCHULTZ: Object to form and  
18 foundation.

19 THE WITNESS: I don't believe so. It  
20 would be on the tapes if they did.

21 BY MR. PAGLIUCA:

22 Q. Well, or it would be in your report,  
23 right?

24 MS. SCHULTZ: Object to form and  
25 foundation.

1 JOSEPH RECAREY - CONFIDENTIAL

2 A. Correct.

3 Q. And then Mr. Epstein is arrested and ends  
4 up pleading guilty and all of that, right?

5 MS. SCHULTZ: Object to form.

6 THE WITNESS: I think there was a  
7 non-prosecution agreement prepared between the  
8 Feds and some kind of agreement was made. But,  
9 yes, he did end up pleading guilty.

10 BY MR. PAGLIUCA:

11 Q. All right.

12 Now, based on the questions that were  
13 asked of you in the grand jury, it's fair to say  
14 that Ms. Maxwell was not a target of the grand  
15 jury's investigation, correct?

16 MS. SCHULTZ: Object to form and  
17 foundation.

18 THE WITNESS: Not based on the questions  
19 that the state was asking me, no, the state  
20 wasn't...

21 BY MR. PAGLIUCA:

22 Q. In fact, it's fair to say that you never  
23 said Ms. Maxwell's name in the grand jury, right?

24 MS. SCHULTZ: Object to form and  
25 foundation.

1 JOSEPH RECAREY - CONFIDENTIAL

2 THE WITNESS: No. Based on the questions  
3 that the state was asking, no.

4 BY MR. PAGLIUCA:

5 Q. Were you aware of who was being issued  
6 subpoenas by the grand jury?

7 A. No. But it wasn't the actual subpoena  
8 from the grand jury; it came from the State  
9 Attorney's Office.

10 Q. At the direction of the grand jury,  
11 though, right?

12 MS. SCHULTZ: Object to form and  
13 foundation.

14 THE WITNESS: I don't know. Again, I  
15 don't know.

16 BY MR. PAGLIUCA:

17 Q. I would like to talk a little bit about  
18 the surveillance that you initiated at Mr. Epstein's  
19 house, okay?

20 Can you tell me when the surveillance  
21 began?

22 A. It would have started under Detective  
23 Pagan and gone through --

24 Q. The entire investigation?

25 A. Pretty much trash pulls. We stopped the

1 JOSEPH RE CAREY - CONFIDENTIAL

2 Q. And so these were video cameras?

3 A. Correct.

4 Q. And so whoever was coming and going,  
5 whenever -- an officer saw somebody coming or going,  
6 they would videotape that person; is that correct?

7 A. Or they would just leave the video  
8 rolling, time lapse.

9 Q. And did you have the opportunity to  
10 observe any of that video?

11 A. I did observe a couple, but the person who  
12 actually set it up would review it and then submit a  
13 supplement to the report.

14 Q. Okay. It's true that none of the video of  
15 the surveillance led to the identification of  
16 Ghislaine Maxwell as coming or leaving the house  
17 during the time of surveillance, correct?

18 MS. SCHULTZ: Object to form and  
19 foundation.

20 THE WITNESS: I don't know. I didn't see  
21 all of the video, so I can't -- I can't attest  
22 to that.

23 BY MR. PAGLIUCA:

24 Q. Okay. Did anybody report to you that  
25 Ms. Maxwell was seen coming or going?

1 JOSEPH RECAREY - CONFIDENTIAL

2 MS. SCHULTZ: Object to form, foundation.

3 THE WITNESS: I don't recall.

4 BY MR. PAGLIUCA:

5 Q. If someone had reported to you that  
6 Ms. Maxwell was seen coming or going, you would have  
7 recorded it in your Palm Beach Police Department  
8 incident report, Exhibit No. 1, correct?

9 MS. SCHULTZ: Object to form and  
10 foundation.

11 THE WITNESS: I would have told the  
12 officer who was conducting the surveillance or  
13 reviewing the video to document it in the  
14 supplements.

15 BY MR. PAGLIUCA:

16 Q. And there is no documentation in the  
17 supplement of Ms. Maxwell either coming or going  
18 from Mr. Epstein's house during this time frame,  
19 correct?

20 MS. SCHULTZ: Object to the form.

21 THE WITNESS: I don't believe so. I  
22 don't -- I don't -- I don't believe so.

23 BY MR. PAGLIUCA:

24 Q. And, again, so we're on the same page,  
25 when you say "I don't believe so," I interpret that



1 JOSEPH RECAREY - CONFIDENTIAL

2 as her name is not in here as someone who was  
3 incoming or going; am I correct in my  
4 interpretation?

5 MS. SCHULTZ: Object to form and  
6 foundation.

7 THE WITNESS: Again, I don't know. I  
8 don't believe so.

9 BY MR. PAGLIUCA:

10 Q. I'm just trying to understand what "I  
11 don't believe so" means, okay?

12 A. I don't -- I don't believe it's in the  
13 report, no.

14 Q. Okay. "I don't believe it's in the  
15 report" that she was ever seen coming or going,  
16 right?

17 A. Right, that's what I'm saying.

18 Q. All right. We're on the same page.

19 The trash pulls, do you recall how many  
20 trash pulls were done?

21 A. There were numerous trash pulls done.  
22 There was trash pulls down under Detective Pagan and  
23 under my request.

24 Q. As I understand the trash pull protocol,  
25 you or someone at your direction or Detective

1 JOSEPH RECAREY - CONFIDENTIAL

2 A. I don't believe clothing was seized.

3 Q. To your knowledge, did you seize any  
4 property belonging to Ghislaine Maxwell from the  
5 home?

6 MS. SCHULTZ: Object to form and  
7 foundation.

8 THE WITNESS: I'm not sure. Not to my  
9 knowledge.

10 BY MS. SCHULTZ:

11 Q. Okay. No one ever came to you and said,  
12 Could you please return these items to Ms. Maxwell,  
13 correct?

14 MS. SCHULTZ: Object to form.

15 THE WITNESS: No.

16 BY MS. SCHULTZ:

17 Q. All right.

18 You did that with Janush?

19 A. Yes, he had photos and --

20 Q. But nothing like that ever happened with  
21 Ms. Maxwell, correct?

22 MS. SCHULTZ: Object to form.

23 THE WITNESS: No.

24 BY MS. SCHULTZ:

25 Q. Ms. Maxwell was not present when you

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

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**PLAINTIFF'S MOTION TO REOPEN DEFENDANT'S DEPOSITION BASED ON  
DEFENDANT'S LATE PRODUCTION OF NEW, KEY DOCUMENTS**

Plaintiff, Virginia Giuffre, by and through her undersigned counsel, files this Motion to Reopen Defendant's Deposition Based on Defendant's Production of New, Key Documents because Defendant produced documents subsequent to her deposition about which she should answer questions. The Court has already ruled that reopening a party deposition is appropriate where important documents are produced after the deposition is completed. Accordingly, the Court should grant Ms. Giuffre's request to reopen Defendant's deposition to answer questions relating to her lately produced documents.

**I. BACKGROUND**

The Court will recall Defendant's case-long, unjustified recalcitrance regarding her testimony. She first attempted to avoid her deposition (causing unnecessary motion practice), and, then, she failed to answer questions at her deposition, upon which the Court ordered her to sit for her deposition again. Specifically, Ms. Giuffre started her quest to obtain Defendant's deposition back on February 2, 2016, by serving a Notice of Deposition. Defendant filed a

Motion for Protective Order trying to avoid her deposition. After a hearing on the issue, the Court directed Maxwell to sit for her deposition on April 22, 2016. During her deposition Defendant refused to answer the majority of the questions asked or stated that she had no memory of any of the events. As a result, Ms. Giuffre was forced to file a Motion to Compel Defendant to Answer Deposition Questions Filed under Seal (DE 143). On June 20, 2016, this Court granted Ms. Giuffre's Motion and directed Defendant to sit for a second deposition to answer the questions she originally failed to answer. (June 20, 2016 Sealed Order, filed in redacted version DE 264-1).

Yet again at her second deposition, she continued to refuse to answer key questions. As a result, on July 29, 2016, Ms. Giuffre was forced to file a Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions Filed under Seal. (DE 314/356). That motion is still pending before this Court.

Discovery closed in this case on July 31, 2016. On August 16, 2016, after the close of discovery, and after Defendant's second deposition was taken, Defendant produced two critical documents which were e-mail communications: one between her and her press agent, Ross Gow, and another between her and her former boyfriend, convicted pedophile Jeffrey Epstein. See McCawley Decl. at Sealed Composite Exhibit 1, August 16, 2016, email from Laura Menninger; November 10, 2015, Email from Ross Gow to Defendant, GM\_01141-01142; Email between Defendant and Epstein, GM\_01143-1144.

It is important for Ms. Giuffre to ask questions about these newly-produced communications with Gow and Epstein. In the former, Gow asks Defendant, "Please advise how you wish to respond [to a press inquiry regarding Ms. Giuffre]." As the Court will recall, Ross Gow is Defendant's English press agent who shares an attorney with Defendant. The history of

Ms. Giuffre's multiple and expensive attempts to serve Mr. Gow with a Rule 45 subpoena through the Hague Convention and various other means (Defendant's attorney refused to accept service) recently culminated in an English Court commanding Gow to sit for his deposition by November 1, 2016.

Accordingly, a follow up deposition of Defendant is critical. It is necessary both to ensure that she answers the questions she refused to answer, (as set forth in Plaintiff's Motion to Direct Defendant to Answer Deposition Questions (DE 314/356)), and to ensure that Ms. Giuffre can ask Defendant questions about the critical and late produced e-mail communications with her press agent, Ross Gow, and with her former boyfriend, convicted pedophile Jeffrey Epstein.

Indeed, Defendant cannot credibly oppose Ms. Giuffre's request because Defendant herself previously sought and received a deposition based on newly produced documents. Defendant previously argued before this Court that Ms. Giuffre's deposition should be reopened, in part, because Ms. Giuffre obtained and produced certain documents that Defendant wanted to ask her about *after* Ms. Giuffre's deposition was taken. Specifically, Defendant's motion stated "Plaintiff's production of key documents after her deposition necessitates additional examination." *See* (DE 230) at 3. Defendant's brief continued: "All of the new information that has come to light . . . justifies the reopening of Plaintiff's deposition." *Id.* at 5-6.

The Court granted Defendant's motion in a sealed Order that stated: "The deposition of the Plaintiff was held on May 3, 2016, and thereafter the Plaintiff produced additional documents and made supplemental responses . . . The Plaintiff may be questioned about any documents produced subsequent to the May 3 deposition relating to employment and education." *See* Sealed August 30, 2016 Order. As the Court has already ruled that reopening a deposition is appropriate

when where important documents are produced after the deposition is completed, the same relief is appropriate for Ms. Giuffre upon this motion.

## II. ARGUMENT

The same standard set forth in the Court's August 30, 2016, Order applies to Defendant's post-deposition production of key documents. Defendant's late production of two key documents similarly "necessitates" and "justifies" the reopening of Defendant's deposition for questioning upon them. Therefore, Ms. Giuffre should receive the same relief from the Court that Defendant obtained: the reopening of Defendant's deposition to answer questions about these key documents. *See Wesley v. Muhammad*, 2009 WL 1490607, at \*5 (S.D.N.Y. 2009) ("while defendants' delay in producing documents may have interfered with the completeness of depositions, plaintiff will be free to reopen any depositions for which he deems the newly produced documents to be a relevant source of questions"); *Ganci v. U.S. Limousine Serv., Ltd.*, 2011 WL 4407461 at \*2 (E.D.N.Y. Sept. 21, 2011) ("Courts will typically reopen a deposition where there is new information on which a witness should be questioned").

Moreover, it was after Defendant's deposition was complete, ***and after*** the briefing to reopen her deposition (on other grounds) was complete, and after discovery closed, that Defendant produced these key documents. Ms. Giuffre should be allowed to ask Defendant questions concerning them.

### A. The Gow Email

These documents are of particular importance because one **is an email communication** from her agent, Ross Gow to Defendant that took place ***after the commencement of this litigation***. It states: "Hi Ghislaine and Philip [sic] Please advise how you wish to respond... Best Ross." GM\_01141. Ms. Giuffre did not have the opportunity to question Defendant about **the**

content of that email, a communication with a key witness, nor did she have the opportunity to use it to cross some of Defendant's evasive answers. Additionally, due to the late production, Ms. Giuffre did not have the opportunity to include these facts in her briefing related to her Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions Filed under Seal (DE 315).

a. Gow Deposition Testimony

Defendant refused to give a straight answer regarding Mr. Gow at her first deposition, making a line of questions related to the lately-produced email communication important and non-redundant. For example, when asked about Mr. Gow, Defendant gave evasive, and non-responsive answers:

Q. Did you issue a statement to your press agent, Ross Gow in 2015, stating that Virginia Roberts' claims were, quote, obvious lies?

Q. You can answer.

A. *You need to reask me the question.*

Q. Sure.

Did you issue a press statement through your press agent, Ross Gow, in January of 2015, stating that Virginia Roberts' claims were, quote, obvious lies?

A. *Can you ask it a different way, please?*

Q. I will ask it again and you can listen carefully. Did you issue a press statement through your press agent, Ross Gow, in January of 2015, where you stated that Virginia Roberts' claims were, quote, obvious lies?

A. So my lawyer, Philip Barden instructed Ross Gow to issue a statement.

See McCawley Decl. at Sealed Composite Exhibit 2, Maxwell Depo. Tr. at 201:17-202:11.

Q. Are you saying that it's an obvious lie that Jeffrey Epstein engaged in sexual conduct with Virginia while Virginia was underage?

A. *Again, I'm telling you, first of all, it was a statement that was issued by my lawyer and -- through my lawyer to Ross Gow.*

Q. I understand that. I'm asking you, are you saying that it's an obvious lie that Jeffrey Epstein engaged in sexual conduct with Virginia while Virginia was underage. Is that a lie?

Q. You can answer.

A. *So I cannot testify to what Ross Gow and Philip Barden decided to put --* I can testify to what Virginia's obvious lies are as regards to me. I cannot make representations about all the many lies she may or may not have told about Jeffrey.



See McCawley Decl. at Sealed Composite Exhibit 2, Maxwell Depo. Tr. at 202:24-204:6. Ms. Giuffre should not be prejudiced or penalized by Defendant's late production, just as Defendant was not prejudiced nor penalized by Ms. Giuffre late production.

b. Gow Requests for Admission Responses

Importantly, Defendant's evasive responses regarding Ross Gow in her Answers to Ms. Giuffre's Requests for Admission<sup>1</sup> necessitate reopening of questioning regarding the *newly-produced, post-lawsuit communication with Mr. Gow*. For example, Defendant stated as follows:

**1. Admit that Ross Gow was authorized by You or your agents to make statements to the public on your behalf.**

Ms. Maxwell objects to this Request based on the vagueness of the terms "authorized", "statements to the public," and "agents". Without waiver of the foregoing, Ms. Maxwell responds as follows:

Denied in part. Ms. Maxwell admits that she has worked with Mr. Gow on occasion for several years and that she has corresponded with Mr. Gow regarding communications to members of the British press to reserve her right to seek redress for their repetition of defamatory statements about Ms. Maxwell.

See McCawley Decl. at Sealed Exhibit 3, Defendant's Responses to Plaintiff's Requests for Admission at 3. Defendant's evasive response claims the word "authorize" is too "vague," but, at the same time, she appears to deny "in part" that she authorized Gow to make the defamatory statement. However, the newly-produced communication with Gow shows an ongoing and continuing working relationship, where Gow is seeking Defendant's approval and input on issuing a statement to the press. Ms. Giuffre should be entitled to ask Defendant questions about that communication, wherein Gow asks her: "Please advise how you wish to respond." Notably,

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<sup>1</sup> Plaintiff attempted to meet and confer with Defendant in order to obtain a follow up deposition regarding these newly produced documents without Court intervention. Defendant refused stating that she would consider responding to written questions. However, as the Court can see from Defendant's pattern of evasive written responses, an oral deposition is necessary in order to attempt to obtain a complete response.

Defendant did not produce her response to Gow’s email. Additionally, since the communication appears to directly contradict her deposition testimony as well as her responses to Requests for Admission, Ms. Giuffre should be entitled to use this post-litigation communication, where Gow asks Defendant, “Please advise how you wish to respond,” to cross Defendant on her prior deposition answers. An email in which Gow is actively soliciting instructions for how to make a public response to the media is evidence that Defendant is, in fact, involved in, and consulted about, what her press agent says on her behalf.

B. Communication with Jeffrey Epstein

Similarly, the email with Epstein regarding a reply to “one further allegation,” shows that Defendant is active in shaping her public statements regarding Ms. Giuffre, and giving drafts to Epstein for his approval. Accordingly, Defendant was never deposed on (1) why she was seeking Epstein’s permission for having Barden make a “reply;” (2) what Epstein’s relationship was with Barden; (3) or who drafted the original communication at the bottom of the email, as it does not appear to have been created by either Defendant or Epstein.

C. Ms. Giuffre Did Not Oppose the Relief Sought When Defendant Brought The Same Motion and the Court Ruled that this Relief was Appropriate

As the Court will recall, Ms. Giuffre ***did not oppose*** the relief sought in Defendant’s motion to reopen her deposition. (“Ms. Giuffre agrees to reopen the deposition for a limited amount of time, and for discrete lines of questioning.” DE 259 at 1). And, Ms. Giuffre specifically agreed to the relief of answering questions about, *inter alia*, documents produced after her deposition: “Ms. Giuffre agrees to reopening the deposition for certain questions related to the following: 1) Any medical care records that were produced subsequent to her deposition.” (DE 259 at 12). Accordingly, as Defendant sought and received the same relief upon her motion, which was unopposed by Ms. Giuffre, Defendant can put forth no valid argument against re-

opening Defendant's deposition to ask questions about these newly-produced documents, particularly given the case law that also requires the re-opening of a deposition in these circumstances.

### **III. CONCLUSION**

Therefore, based on the foregoing, Ms. Giuffre respectfully requests that the Court Reopen Defendant's deposition to (1) answer lines of questions discussed in Ms. Giuffre's Motion to Enforce the Court's Order and Direct Defendant to Answer Deposition Questions Filed under Seal (DE 315) which is pending before the Court; and (2) answer questions related to the two key documents produced by Defendant after her deposition.

Dated: October 13, 2016.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley  
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---

<sup>2</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on October 13, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Meredith Schultz  
Meredith Schultz

COMPOSITE  
EXHIBIT 1  
(File Under Seal)



Haddon, Morgan and Foreman, P.C.  
Laura A. Menninger

150 East 10th Avenue  
Denver, Colorado 80203  
PH 303.831.7364 FX 303.832.2628  
lmenninger@hmflaw.com

August 16, 2016

**VIA EMAIL**

Sigrid S. McCawley  
Boies, Schiller & Flexner LLP  
401 East Las Olas Blvd., Suite 1200  
Fort Lauderdale, FL 33301  
smccawley@bsflp.com

Re: *Giuffre v. Maxwell*, Case No. 15-cv-07433-RWS

Dear Sigrid:

Attached please find documents produced pursuant to a subpoena *duces tecum* issued to Mar-a-Lago Club, Inc., on July 14, 2016 which have been Bates numbered Mar-A-Lago 0075-0595.

Also attached are two documents Bates numbered GM\_01141-01144. These emails were collected as responsive to Plaintiff's First Request for Production of Documents in February 2016 but through clerical error were not produced at that time or following the Court's *in camera* review in April. A recent review of documents revealed the error.

Sincerely,

HADDON, MORGAN AND FOREMAN, P.C.

/s/ Laura A. Menninger  
Laura A. Menninger



---

From: Ross Gow [REDACTED]  
Sent: 10 November 2015 18:16  
To: Gmax; Philip Barden  
Subject: Fwd: Inquiry from The New York Times

Hi Ghislaine and Philip  
Please advise how you wish to respond...  
Best  
Ross

----- Forwarded message -----

From: Meier, Barry [REDACTED]  
Date: Tuesday, 10 November 2015  
Subject: Inquiry from The New York Times  
To: [REDACTED]

Mr. Gow,  
Good day. I am a reporter for the Times and it is my understanding that you represent Ghislaine Maxwell.  
I am working on an article about the legal fallout from the Jeffrey Epstein case.  
I anticipate mentioning the lawsuit filed earlier this year by Virginia Roberts Guiffie against Ms. Maxwell.  
How does she respond?  
Kindly advise by close of business Thursday, November 12, 2015.  
And call me if you have any questions.  
Regards,  
Barry Meier

--  
The New York Times  
620 Eighth Avenue  
New York, NY 10018  
[REDACTED]

--

Ross Gow  
Managing Partner  
ACUITY Reputation  
23 Berkeley Square  
London W1J 6HE

[REDACTED]

[REDACTED]

[REDACTED]

[www.acuityreputation.com](http://www.acuityreputation.com)<<http://www.acuityreputation.com>>

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The Devonshires Foundation is proud to support Action for Kids (reg. charity 1068841), Wide horizons (reg. charity 1105847), and Theatre Royal Stratford East (reg. charity 233801) during 2014/2015.

Please consider the environment before printing this email.

---

**From:** jeffrey E. <jeevacation@gmail.com>  
**Sent:** Wednesday, April 22, 2015 3:58 PM  
**To:** 'Ghislaine'  
**Subject:** Re: ATTORNEY-CLIENT PRIVILEGE

ok

On Wed, Apr 22, 2015 at 5:46 PM, Ghislaine <[Ghislaine@theterramarproject.org](mailto:Ghislaine@theterramarproject.org)> wrote:  
I would like Barden to reply to one further allegation in this bullshit

She says Epstein and Maxwell asked her  
> to have a child for them and to sign a document signing away  
> the rights to the child in the event that she and Epstein  
> had a falling out. She says she refused this  
> request.

Regarding further detail of the interview which I have reviewed I would like to add one further point to underscore the lack of probity in Ms Roberts claims

At no point in Ms Maxwell's life has she ever contemplated thought or wanted to bring up someone's child as her own and or ask the mother to sign her rights away to the child. In fact the mere idea of such a suggestion is abhorrent. Further, the idea that Ms Maxwell would contemplate an arrangement with someone who abused drugs and alcohol contemporaneously and who was living with her fiancé beggars belief. No document has ever been contemplated, created nor lawyer nor other approached to write such a document at anytime

[THE TERRAMAR PROJECT](#)  
[FACEBOOK](#)  
[TWITTER](#)  
[G+](#)  
[PINTEREST](#)  
[INSTAGRAM](#)  
[PLEDGE](#)  
[THE DAILY CATCH](#)the

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**From:** J Jep  
**Date:** Wednesday, April 22, 2015 at 15:08 PM  
**To:** Gmax  
**Subject:** Fwd: ATTORNEY-CLIENT PRIVILEGE

She says Epstein and Maxwell asked her  
> to have a child for them and to sign a document signing away  
> the rights to the child in the event that she and Epstein  
> had a falling out. She says she refused this  
> request.

--

please note

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of JEE

Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to [jeevacation@gmail.com](mailto:jeevacation@gmail.com), and destroy this communication and all copies thereof, including all attachments. copyright -all rights reserved



January 5, 2024

**VIA ECF**

The Honorable Loretta A. Preska  
District Court Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: **Giuffre v. Maxwell, Case No. 15-cv-7433-LAP**

Dear Judge Preska,

Pursuant to the Court's December 18, 2023, unsealing order, and following conferral with Defendant, Plaintiff files this set of documents ordered unsealed. The filing of these documents ordered unsealed will be done on a rolling basis until completed. This filing also excludes documents pertaining to Does 105 (*see* December 28, 2023, Email Correspondence with Chambers), 107, and 110 (*see* ECF No. 1319), while the Court's review of those documents is ongoing.

Respectfully,

/s/ Sigrid S. McCawley  
Sigrid S. McCawley

cc: Counsel of Record (via ECF)

# **EXHIBIT D**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x  
VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.  
-----x

June 20, 2016

9:12 a.m.

C O N F I D E N T I A L

Deposition of [REDACTED], pursuant  
to notice, taken by Plaintiff, at the  
offices of Podhurst Orseck, 25 West  
Flagler Street, Suite 800, Miami, Florida,  
before Kelli Ann Willis, a Registered  
Professional Reporter, Certified Realtime  
Reporter and Notary Public within and  
for the State of Florida.



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A P P E A R A N C E S:

BOIES SCHILLER & FLEXNER, LLP

Attorneys for Plaintiff

401 East Las Olas Boulevard  
Fort Lauderdale, Florida 33301

BY: BRADLEY EDWARDS, ESQ.

HADDON MORGAN & FOREMAN, P.C.

Attorneys for Defendant

150 East 10th Avenue  
Denver, Colorado 80203

BY: JEFFREY PAGLIUCA, ESQ.

PODHURST ORSECK, P.A.

Attorneys for Deponent

25 West Flagler Street  
Suite 800

Miami, Florida 33130

BY: ROBERT JOSEFSBURG, ESQ.

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I N D E X

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| Examination by Mr. Edwards .....         | 4  |
| Examination by Mr. Pagliuca .....        | 57 |
| Further Examination by Mr. Edwards ..... | 68 |

E X H I B I T S

|                            |   |
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| Deposition Exhibit 1 ..... | 6 |
| Police Interview           |   |

1 [REDACTED] - CONFIDENTIAL

2 spoke to police?

3 A. No, sir. I just want to make it very --  
4 pardon me. I didn't mean to interrupt.

5 MR. JOSEFSBURG: Let me explain something  
6 to both of you.

7 MR. EDWARDS: Sure.

8 MR. JOSEFSBURG: And for the record, [REDACTED]  
9 has, since these events of 12 years ago,  
10 received a lot of professional advice and gone  
11 through an awful lot based upon what happened  
12 12 years ago.

13 She has been advised and has followed the  
14 advice to forget, suppress, repress what  
15 happened, and that's how she goes on with her  
16 life.

17 So she doesn't remember a lot of things,  
18 and she doesn't want to remember them. So you  
19 might interpret in other matters as hostility  
20 from a witness. This is called  
21 self-preservation and mental health.

22 So both her attitude and her memory is  
23 based on that. We have someone who is badly  
24 injured and is very frail and wants to take  
25 care of herself. So you might think it's

1 [REDACTED] - CONFIDENTIAL

2 snippy, but it's just that she --

3 THE WITNESS: I truly don't know the  
4 answers to your questions if I say I don't.  
5 I'm trying to answer everything I know.

6 BY MR. EDWARDS:

7 Q. I can appreciate that.

8 When you spoke with police officers back  
9 in October of 2005, did you tell them the truth?

10 MR. PAGLIUCA: Object to form and  
11 foundation.

12 THE WITNESS: Of course, yes.

13 BY MR. EDWARDS:

14 Q. Okay. And do you remember someone  
15 named -- I think it's spelled phonetically in  
16 here -- Shana Jasmine or something along those  
17 lines, Shana Casman?

18 A. No, I do not recall.

19 Q. Do you remember a friend of yours being in  
20 the room when you spoke with the police?

21 A. No, I do not.

22 Q. Do you remember how many police officers  
23 you spoke with?

24 A. Over the course of all the years?

25 Q. That particular investigation.



1 [REDACTED] - CONFIDENTIAL

2 know the extent of their relationship. But she  
3 would schedule his appointments and handle clerical  
4 things for him as far as I can see.

5 Q. All right.

6 And when you first went to his house,  
7 where did -- where were you taken within the house?

8 MR. PAGLIUCA: Object to form and  
9 foundation.

10 THE WITNESS: Kitchen, up to the room, up  
11 to his master suite.

12 BY MR. EDWARDS:

13 Q. And which stairwell did you go up to his  
14 suite?

15 A. I do not remember.

16 Q. Was it the stairs off by the kitchen?

17 A. I do not recall.

18 Q. And when you went into his bedroom, were  
19 you under the belief that it was going to be you  
20 providing some sort of a massage?

21 A. It certainly didn't involve any sexual  
22 activity. That's what I was under the assumption.  
23 I don't recall exactly how I was propositioned to  
24 get there. I just was there, and all of a sudden  
25 something horrible happened to me.

1 [REDACTED] - CONFIDENTIAL

2 Q. Did you, at 16 years old or 17 years old,  
3 have any massage training or experience?

4 A. No.

5 Q. Did [REDACTED] have any massage  
6 experience?

7 A. I do not -- I can't speak to her  
8 experience. I do not know. She was not really a  
9 friend of mine. Barely an acquaintance. We maybe  
10 spoke three times in our entire going to school  
11 together and everything.

12 Q. Did you ever learn what her incentive was  
13 to bring you to Jeffrey Epstein's house?

14 A. Later I found out that they would get  
15 kickbacks for bringing people over.

16 Q. Do you remember seeing Jeffrey Epstein  
17 give her money that day?

18 A. I don't recall, no.

19 Q. If you said that in your statement, that  
20 you remember [REDACTED] getting money for bringing you  
21 here that day, would that be a true statement?

22 A. Yes, absolutely. Everything in there is  
23 the truth. I do not remember from years ago at this  
24 point.

25 MR. PAGLIUCA: Object to form and

1 [REDACTED] - CONFIDENTIAL

2 foundation.

3 BY MR. EDWARDS:

4 Q. If you want to --

5 A. I don't. It's okay.

6 Q. I understand.

7 A. Thank you.

8 Q. On page 6, you're telling the police that  
9 "[REDACTED] and me were waiting on the couch in the  
10 bathroom, and Jeffrey comes up and says -- he's  
11 like, Hey, I'm Jeffrey. He just introduced himself,  
12 and he hands [REDACTED] -- I remember this because I was  
13 pissed off that she got paid to bring me. He hands  
14 her a wad of hundred dollar bills and says, Thank  
15 you. And she says, I'll wait for you downstairs.  
16 And I was like, All right, I'll see you in a little  
17 bit."

18 Does that remind you of [REDACTED] getting  
19 paid to bring you?

20 MR. PAGLIUCA: Object to form and  
21 foundation.

22 THE WITNESS: It sounds like a familiar  
23 scenario. I do not recall at this time.

24 BY MR. EDWARDS:

25 Q. Okay.



1 [REDACTED] - CONFIDENTIAL

2 A. I don't remember.

3 Q. I appreciate that.

4 MR. JOSEFSBURG: I'll make it easier for  
5 both of you. Here's her testimony. As you  
6 notice, she's not looking at this. She doesn't  
7 want to look at it.

8 MR. EDWARDS: Yeah.

9 MR. JOSEFSBURG: She doesn't want to read  
10 it. But this is a statement that she gave to  
11 the police. She's saying that whatever she  
12 said in it is true. Does she remember it now?  
13 No, because she has done a good job of  
14 forgetting it. But if she said it, she said  
15 the truth. And when you read it to her now --

16 THE WITNESS: These are things I forgot.

17 MR. EDWARDS: It's not going to refresh  
18 her.

19 MR. JOSEFSBURG: She doesn't want to  
20 remember. So everything in it is true; she can  
21 tell you without looking at it. She doesn't  
22 want to look at it and she doesn't remember it.

23 Most of the important details that either  
24 of you are looking for, she'll say it's the  
25 truth but I don't remember that.

1 [REDACTED] - CONFIDENTIAL

2 MR. EDWARDS: Okay. I can appreciate  
3 that.

4 MR. PAGLIUCA: Counsel, I appreciate the  
5 record and I appreciate the clarification. So  
6 as you know, I mean, there may be an attempt to  
7 use any of this transcript as substantive  
8 evidence at trial. So while I accept your  
9 representation, I don't believe it lays any  
10 foundation for any of the statements to the  
11 police department. It doesn't lay any  
12 foundation as to the truth or non-truth as to  
13 the statement.

14 As I understand it, the witness has no  
15 present recollection of these events. Looking  
16 at this statement would not refresh her  
17 recollection, is what has been established on  
18 the record. The witness doesn't want to look  
19 at the statement. And the witness' testimony  
20 will be that she has no recollection of these  
21 events; is that correct?

22 MR. JOSEFSBURG: Everything you said is  
23 correct, with one other addition: That  
24 whatever she said to the police back then was  
25 the truth.

1 [REDACTED] - CONFIDENTIAL

2 MR. PAGLIUCA: That's where we may have a  
3 disagreement.

4 MR. JOSEFSBURG: Okay, but that's what she  
5 said.

6 MR. PAGLIUCA: I understand, but she did  
7 testify to that earlier. I accept that.

8 MR. JOSEFSBURG: Right. She doesn't  
9 remember and doesn't want to.

10 MR. PAGLIUCA: Understood.

11 MR. EDWARDS: I will proceed under those  
12 parameters. I got it.

13 MR. JOSEFSBURG: By the way, just so -- is  
14 what I just said correct?

15 THE WITNESS: Absolutely, yes. Thank you.

16 BY MR. EDWARDS:

17 Q. When you gave the statement to the police,  
18 was your motivation to tell the truth?

19 A. Yes.

20 MR. PAGLIUCA: Object to the form and  
21 foundation.

22 THE WITNESS: Yes, it was, absolutely.

23 BY MR. EDWARDS:

24 Q. Did you have any motivation in any part of  
25 it not to tell the truth?



1 [REDACTED] - CONFIDENTIAL

2 Epstein?

3 MR. PAGLIUCA: Object to form and  
4 foundation.

5 THE WITNESS: Yes.

6 MR. EDWARDS: All right. I don't have  
7 anything further for you. I apologize that we  
8 even had to go through this, all right?

9 THE WITNESS: Okay.

10 E X A M I N A T I O N

11 BY MR. PAGLIUCA:

12 Q. [REDACTED] [REDACTED] by name is Jeff Pagluica. I  
13 live in Denver, Colorado. And, like you, I don't  
14 want to be here today either, okay? I would rather  
15 be in Denver.

16 I just want to -- as I understand it, and  
17 I'm not trying to get into any of your treatment  
18 over the last, let's say, 10 years, because I don't  
19 know how long it's been, but as I understand what  
20 you and your lawyer have said here today, you have  
21 been involved in some number of years of therapy, in  
22 which the purpose -- part of the purpose of the  
23 therapy has been to forget all of these events that  
24 Mr. Edwards was asking you questions about; is that  
25 correct?

1 [REDACTED] - CONFIDENTIAL

2 A. How specific do I have to get about my  
3 doctors' appointments? I don't really --

4 Q. I'm not asking --

5 MR. JOSEFSBURG: Not at all.

6 BY MR. PAGLIUCA:

7 Q. I'm not asking those questions. I'm just  
8 asking, if, as your lawyer has said --

9 A. I understand the question.

10 Part of the therapy, yes, it did encompass  
11 copings skills, and this is the one I have chosen to  
12 use.

13 Q. Which is, I don't want to remember  
14 anything?

15 A. Yes. Repression. I don't want to  
16 reminisce.

17 Q. And you indicated as you sit here today,  
18 you don't recall specifics related to these events?

19 A. That's correct. I have worked very hard  
20 not to.

21 Q. Back in 2005, and, again, if you have no  
22 recollection of these things, that's fine, you were  
23 contacted by a Detective Recarey.

24 Do you recall that or not?

25 A. No, I don't.

1 [REDACTED] - CONFIDENTIAL

2 CERTIFICATE OF OATH

3 STATE OF FLORIDA )

4 COUNTY OF MIAMI-DADE )

5

6 I, the undersigned authority, certify that  
[REDACTED] personally appeared before me and  
was duly sworn.

7 WITNESS my hand and official seal this  
23rd day of June, 2016.

8

9

10 Kelli Ann Willis, RPR, CRR  
Notary Public, State of Florida  
Commission FF928291, Expires 2-16-20

11 + + + + +

12 CERTIFICATE

13 STATE OF FLORIDA )

14 COUNTY OF MIAMI-DADE )

15 I, Kelli Ann Willis, Registered  
Professional Reporter and Certified Realtime  
16 Reporter do hereby certify that I was  
authorized to and did stenographically report the  
17 foregoing deposition of [REDACTED]; that a  
review of the transcript was not requested; and  
18 that the transcript is a true record of my  
stenographic notes.

19 I FURTHER CERTIFY that I am not a  
relative, employee, attorney, or counsel of any  
20 of the parties, nor am I a relative or employee of  
any of the parties' attorney or counsel connected  
21 with the action, nor am I financially interested  
in the action.

22 Dated this 23rd day of June, 2016.

23

24 KELLI ANN WILLIS, RPR, CRR

25

# **EXHIBIT E**



1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA

3 JANE DOE NO. 2, CASE NO: 08-CV-80119  
4 Plaintiff,  
5 Vs.  
6 JEFFREY EPSTEIN,  
7 Defendant.

8 JANE DOE NO. 3, CASE NO: 08-CV-80232  
9 Plaintiff,  
10 Vs.

**CONDENSED**

11 JEFFREY EPSTEIN,  
12 Defendant.

13 JANE DOE NO. 4, CASE NO: 08-CV-80380  
14 Plaintiff,  
15 Vs.

16 JEFFREY EPSTEIN,  
17 Defendant.

18 JANE DOE NO. 5, CASE NO: 08-CV-80381  
19 Plaintiff,  
20 Vs.

21 JEFFREY EPSTEIN,  
22 Defendant.

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Kress Court Reporting, Inc. 305-866-7688  
7115 Rue Notre Dame, Miami Beach, FL 33141

NON PARTY (VR) 000315

GIUFFRE002314

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <p>Page 271</p> <p>1 JANE DOE NO. 6, CASE NO: 08-CV-80994<br/>2 Plaintiff,<br/>3 Vs.<br/>4 JEFFREY EPSTEIN,<br/>5 Defendant.</p> <p>6 JANE DOE NO. 7, CASE NO: 08-CV-80993<br/>7 Plaintiff,<br/>8 Vs.<br/>9 JEFFREY EPSTEIN,<br/>10 Defendant.</p> <p>11 C.M.A., CASE NO: 08-CV-80811<br/>12 Plaintiff,<br/>13 Vs.<br/>14 JEFFREY EPSTEIN,<br/>15 Defendant.</p> <p>16 JANE DOE, CASE NO: 08-CV-80893<br/>17 Plaintiff,<br/>18 Vs.<br/>19 JEFFREY EPSTEIN,<br/>20 Defendant.</p> <p>21<br/>22<br/>23<br/>24<br/>25</p> | <p>Page 273</p> <p>1 IN THE CIRCUIT COURT OF THE 15TH<br/>2 JUDICIAL CIRCUIT IN AND FOR<br/>3 PALM BEACH COUNTY, FLORIDA<br/>4 CASE NO. 502008CA037319XXXXMB AB</p> <p>5 B.B.,<br/>6 Plaintiff,<br/>7 Vs.<br/>8 JEFFREY EPSTEIN.<br/>9 Defendant.</p> <p>10<br/>11<br/>12 1031 Ives Dairy Road<br/>13 Suite 228<br/>14 North Miami, Florida<br/>15 August 7, 2009<br/>16 1:15 p.m. to 5:30 p.m.</p> <p>17 CONTINUED<br/>18 VIDEOTAPED<br/>19 DEPOSITION<br/>20 of<br/>21 ALFREDO RODRIGUEZ<br/>22 taken on behalf of the Plaintiffs pursuant<br/>23 to a Re-Notice of Taking Continued Videotaped<br/>24 Deposition (Duces Tecum)<br/>25</p>                                                                                                                                                                                                                                                  |
| <p>Page 272</p> <p>1 JANE DOE NO. II, CASE NO: 08-CV-80469<br/>2 Plaintiff,<br/>3 Vs.<br/>4 JEFFREY EPSTEIN,<br/>5 Defendant.</p> <p>6 JANE DOE NO. 101 CASE NO: 08-CV-80591<br/>7 Plaintiff,<br/>8 Vs.<br/>9 JEFFREY EPSTEIN,<br/>10 Defendant.</p> <p>11 JANE DOE NO. 102, CASE NO: 08-CV-80656<br/>12 Plaintiff,<br/>13 Vs.<br/>14 JEFFREY EPSTEIN,<br/>15 Defendant.</p> <p>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>                                                                  | <p>Page 274</p> <p>1 APPEARANCES:<br/>2<br/>3 MERMELSTEIN &amp; HOROWITZ, P.A.<br/>4 BY: ADAM HOROWITZ, ESQ.<br/>5 18205 Biscayne Boulevard<br/>6 Suite 2218<br/>7 Miami, Florida 33160<br/>8 Attorney for Jane Doe 2, 3, 4, 5,<br/>9 6, and 7.</p> <p>10 ROTHSTEIN ROSENFELDT ADLER<br/>11 BY: BRAD J. EDWARDS, ESQ., and<br/>12 CARA HOLMES, ESQ.<br/>13 Las Olas City Centre<br/>14 Suite 1650<br/>15 401 East Las Olas Boulevard<br/>16 Fort Lauderdale, Florida 33301<br/>17 Attorney for Jane Doe and E.W.<br/>18 And L.M.</p> <p>19 PODHURST ORSECK<br/>20 BY: KATHERINE W. EZELL, ESQ.<br/>21 25 West Flagler Street<br/>22 Suite 800<br/>23 Miami, Florida 33130<br/>24 Attorney for Jane Doe 101 and 102.</p> <p>25 LEOPOLD-KUVIN<br/>26 BY: ADAM J. LANGINO, ESQ.<br/>27 2925 PGA Boulevard<br/>28 Suite 200<br/>29 Palm Beach Gardens, Florida 33410<br/>30 Attorney for B.B.</p> |

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| <p style="text-align: right;">Page 275</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 RICHARD WILLITS, ESQ.</p> <p>4 2290 10th Avenue North</p> <p>5 Suite 404</p> <p>6 Lake Worth, Florida 33461</p> <p>7 Attorney for C.M.A.</p> <p>8 Appeared via telephone.</p> <p>9</p> <p>10 BURMAN, CRITTON, LUTTIER &amp;</p> <p>11 COLEMAN, LLP</p> <p>12 BY: ROBERT CRITTON, ESQ.</p> <p>13 515 North Flagler Drive</p> <p>14 Suite 400</p> <p>15 West Palm Beach, Florida 33401</p> <p>16 Attorney for Jeffrey Epstein.</p> <p>17</p> <p>18 ALSO PRESENT:</p> <p>19</p> <p>20 JOE LANGSAM, VIDEOGRAPHER</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                               | <p style="text-align: right;">Page 277</p> <p>1 Deposition taken before MICHELLE PAYNE, Court</p> <p>2 Reporter and Notary Public in and for the State of</p> <p>3 Florida at Large, in the above cause.</p> <p>4</p> <p>5 THE VIDEOGRAPHER: This is a continuation</p> <p>6 of the deposition of Alfredo Rodriguez.</p> <p>7 Today is Friday, August the 7th, the year</p> <p>8 2009, starting time approximately 1:15 p.m.</p> <p>9 Will the court reporter please swear in</p> <p>10 the witness?</p> <p>11 Thereupon,</p> <p>12 ALFREDO RODRIGUEZ,</p> <p>13 having been first duly sworn or affirmed, was</p> <p>14 examined and testified as follows:</p> <p>15 MR. CRITTON: Before we get started just</p> <p>16 with regard to Ms. Ezell represents Jane Doe</p> <p>17 101 and 102, the alleged time of her</p> <p>18 incidents as of least have been plead in the</p> <p>19 complaint for 101 is '99 -- I'm sorry, '98</p> <p>20 through 2002, with Jane Doe 102 the Spring</p> <p>21 of -- Spring/Summer of 2003. Mr. Rodriguez</p> <p>22 never even began employment until '04 and</p> <p>23 '05. I think her questioning I think -- I</p> <p>24 can't say she doesn't have standing based on</p> <p>25 the court order, but I would say it's</p> |
| <p style="text-align: right;">Page 276</p> <p>1 CONTINUED INDEX OF EXAMINATION</p> <p>2</p> <p>3 WITNESS DIRECT CROSS REDIRECT RECROSS</p> <p>4 ALFREDO RODRIGUEZ</p> <p>5 (By Ms. Ezell) 278 441, 467</p> <p>6 (By Mr. Willits) 334 453, 469</p> <p>7 (By Mr. Critton) 338 464</p> <p>8 (By Mr. Edwards) 419, 454, 468</p> <p>9 (By Mr. Langino) 452</p> <p>10</p> <p>11</p> <p>12 CONTINUED INDEX OF EXHIBITS</p> <p>13 PLAINTIFF'S PAGE</p> <p>14 3 Drawing 315</p> <p>15 4 Photograph 327</p> <p>16 5 Photograph 331</p> <p>17 6 Photograph 331</p> <p>18 7 Photograph 331</p> <p>19 8 Photograph 331</p> <p>20 9 Report 446</p> <p>21 (Exhibits 4, 5, 6, 7, and 8 were retained by Ms.</p> <p>22 Ezell.)</p> <p>23</p> <p>24</p> <p>25</p> | <p style="text-align: right;">Page 278</p> <p>1 completely irrelevant and immaterial and has</p> <p>2 no probative value with regard to this</p> <p>3 particular witness based upon the two</p> <p>4 clients at least that are in suit at this</p> <p>5 point in time.</p> <p>6 MS. EZELL: As Mr. Critton well knows I</p> <p>7 represent a number of other clients whose</p> <p>8 cases have not been filed and I believe we</p> <p>9 do have standing to ask questions, and I do</p> <p>10 intend to do that today.</p> <p>11 EXAMINATION</p> <p>12 BY MS. EZELL:</p> <p>13 Q. Mr. Rodriguez, you stated last time that</p> <p>14 there were guests at the house, frequent guests,</p> <p>15 friends from Harvard.</p> <p>16 Do you remember that testimony?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. And was there a lawyer from Harvard named</p> <p>19 Alan Dershowitz?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. And are you familiar with the fact that</p> <p>22 he's a famous author and famous lawyer?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. How often during the six months or so</p> <p>25 that you were there was Mr. Dershowitz there?</p>                                                                                                            |

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| <p style="text-align: right;">Page 439</p> <p>1 Q. And you said that that was -- the massage<br/>2 table was similar in kind to that used by Mr.<br/>3 Epstein?<br/>4 A. That's correct.<br/>5 Q. And others had massage oils and that was<br/>6 similar in kind to Mr. Epstein's as well?<br/>7 A. Yes.<br/>8 Q. And you didn't think that the massage<br/>9 table at a home was unusual?<br/>10 A. No.<br/>11 Q. All right. Did any of the other houses<br/>12 where you worked have masseuses that were 14, 15,<br/>13 and 16 years old?<br/>14 MR. CRITTON: Form.<br/>15 THE WITNESS: No, sir.<br/>16 BY MR. EDWARDS:<br/>17 Q. And did any of the other homes where you<br/>18 worked have different girls of that age coming<br/>19 every single day?<br/>20 A. Yes.<br/>21 MR. CRITTON: Form.<br/>22 BY MR. EDWARDS:<br/>23 Q. They had different girls?<br/>24 A. Yes.<br/>25 Q. Okay. And how old were the girls that</p>   | <p style="text-align: right;">Page 441</p> <p>1 MR. EDWARDS: I don't have anything else.<br/>2 MS. EZELL: I have a few.<br/>3 EXAMINATION<br/>4 BY MS. EZELL:<br/>5 Q. Mr. Rodriguez, I may have missed<br/>6 something. Did you say that there weren't any<br/>7 wild parties ever at El Brillo Way?<br/>8 A. I never saw what was going on inside the<br/>9 house, Ma'am.<br/>10 Q. So you don't know whether there were or<br/>11 were not?<br/>12 A. No, ma'am.<br/>13 Q. There wasn't just one massage table<br/>14 there; was there?<br/>15 A. We used to have two and we have an extra<br/>16 reserve, I think there were three in the house.<br/>17 Excuse me, I'll take that back. All the bedrooms<br/>18 used to have one.<br/>19 Q. Okay. Thank you. Did you ever hear<br/>20 about a girl named V.R.?<br/>21 A. No, no, ma'am.<br/>22 Q. And those pictures on Ms. Maxwell's<br/>23 computer, did you ever see one of a girl naked in<br/>24 a hammock?<br/>25 MR. CRITTON: Form. Asked and answered.</p> |
| <p style="text-align: right;">Page 440</p> <p>1 would come to these other homes?<br/>2 A. They seem older.<br/>3 Q. Older than the ones that would come to<br/>4 Mr. Epstein's home?<br/>5 A. Yes.<br/>6 Q. And did you ever work at a place where<br/>7 there would be girls calling up on the phone to<br/>8 say I have girls to bring him and --<br/>9 A. No, sir.<br/>10 Q. -- coming over in teams --<br/>11 A. No.<br/>12 Q. -- or pairs?<br/>13 A. No.<br/>14 Q. So there were a lot of things about Mr.<br/>15 Epstein's house and his arrangement that were very<br/>16 unusual compared to the other places where you<br/>17 worked?<br/>18 MR. CRITTON: Form.<br/>19 THE WITNESS: Yes.<br/>20 BY MR. EDWARDS:<br/>21 Q. And there were no drugs and alcohol or no<br/>22 wild parties at Mr. Epstein's house, that is<br/>23 somewhat different from some of the other places<br/>24 where you worked?<br/>25 A. Yes.</p> | <p style="text-align: right;">Page 442</p> <p>1 THE WITNESS: I saw on a book not on a<br/>2 computer.<br/>3 BY MS. EZELL:<br/>4 Q. You saw a picture of a girl naked in a<br/>5 book or on a book?<br/>6 A. The book was done for [REDACTED] and she was<br/>7 on the hammock, that's the only one I saw.<br/>8 Q. I'm sorry, the book was done for [REDACTED]<br/>9 A. She was on the cover.<br/>10 Q. Then there were other people inside the<br/>11 book?<br/>12 A. Yes, ma'am.<br/>13 Q. And in that book there was a picture of a<br/>14 girl naked in a hammock?<br/>15 A. Yes.<br/>16 Q. Where did [REDACTED] keep that book?<br/>17 A. There were a few of those examples but I<br/>18 don't know where she kept it.<br/>19 Q. Was it laying around the house somewhere?<br/>20 A. Yes.<br/>21 Q. Downstairs?<br/>22 A. Downstairs, yes, ma'am.<br/>23 Q. Did Nadia keep scrapbooks or photograph<br/>24 books --<br/>25 A. Yes.</p>                                                                           |

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| <p style="text-align: right;">Page 463</p> <p>1 Q. -- to sexually please Mr. Epstein.<br/>2 Right?<br/>3 MR. CRITTON: Form.<br/>4 THE WITNESS: Yes.<br/>5 BY MR. EDWARDS:<br/>6 Q. I mean, that's what you were telling the<br/>7 police officer.<br/>8 MR. CRITTON: Form.<br/>9 THE WITNESS: Yes.<br/>10 BY MR. EDWARDS:<br/>11 Q. Okay. There's always a different girl at<br/>12 the pool or inside with him when he's here.<br/>13 MR. CRITTON: Form.<br/>14 THE WITNESS: Yes.<br/>15 MS. EZELL: You left out a word, young.<br/>16 BY MR. EDWARDS:<br/>17 Q. Sorry, I'll read the last sentence again.<br/>18 There's always a different young girl at<br/>19 the pool or inside with him when he's here.<br/>20 Do you remember telling the police<br/>21 officer that?<br/>22 A. Yes.<br/>23 MR. CRITTON: Form.<br/>24 BY MR. EDWARDS:<br/>25 Q. And that's true. Right?</p>                                                                                               | <p style="text-align: right;">Page 465</p> <p>1 Q. And as to -- it was read to you by Mr.<br/>2 Edwards and he then asked you a number of<br/>3 questions whether you remembered something.<br/>4 Correct?<br/>5 A. Yes.<br/>6 Q. Okay. Just so I'm clear, he's asking you<br/>7 to speculate on what may or may not have occurred<br/>8 upstairs in the bedroom. I want to be very clear.<br/>9 Mr. Rodriguez, were you ever up in the<br/>10 bedroom to observe whatever went on between a<br/>11 masseuse and Mr. Epstein or anyone else for that<br/>12 matter at any time?<br/>13 MR. HOROWITZ: Form.<br/>14 THE WITNESS: No, sir.<br/>15 BY MR. CRITTON:<br/>16 Q. And so when Mr. Edwards asked you, you<br/>17 were aware that sexual activity or may have been<br/>18 sexual activity occurring upstairs, you have no<br/>19 personal knowledge, you're just speculating;<br/>20 aren't you, sir?<br/>21 MR. HOROWITZ: Form.<br/>22 MR. EDWARDS: Object to the form.<br/>23 THE WITNESS: I never saw them.<br/>24 BY MR. WILLITS:<br/>25 Q. And therefore you can only speculate --</p> |
| <p style="text-align: right;">Page 464</p> <p>1 A. Yes.<br/>2 Q. When he's at the house there is always a<br/>3 young girl inside with him.<br/>4 MR. CRITTON: Form.<br/>5 BY MR. EDWARDS:<br/>6 Q. Right?<br/>7 A. That's right.<br/>8 Q. Okay. And whether the company line is to<br/>9 call them a masseuse, you knew that these girls<br/>10 were young and were up in the bedroom with Mr.<br/>11 Epstein to sexually please Mr. Epstein.<br/>12 MR. CRITTON: Form.<br/>13 THE WITNESS: That's right.<br/>14 MR. EDWARDS: I don't have anything else.<br/>15 We've already attached this; right? Here is<br/>16 the one that can be attached.<br/>17 MR. WILLITS: Who is next?<br/>18 MR. CRITTON: Me.<br/>19 RECROSS EXAMINATION<br/>20 BY MR. CRITTON:<br/>21 Q. Mr. Rodriguez, looking at Exhibit 9 which<br/>22 is the police report that was prepared on November<br/>23 28, 2004, this is the first time you've seen it.<br/>24 Correct?<br/>25 A. That's correct.</p> | <p style="text-align: right;">Page 466</p> <p>1 MR. WILLITS: Object to the form.<br/>2 MR. CRITTON: I need to ask the question<br/>3 first.<br/>4 MR. WILLITS: It was the earlier<br/>5 question.<br/>6 BY MR. CRITTON:<br/>7 Q. All right. If you did not see what was<br/>8 going on you can have no personal knowledge.<br/>9 True?<br/>10 MR. HOROWITZ: Object to the form.<br/>11 MR. EDWARDS: Object to the form.<br/>12 THE WITNESS: Yes.<br/>13 BY MR. CRITTON:<br/>14 Q. And, therefore, what you're doing is<br/>15 speculating or guessing what may have been<br/>16 occurring. True?<br/>17 MR. HOROWITZ: Form.<br/>18 MR. EDWARDS: Form.<br/>19 MR. WILLITS: Form.<br/>20 THE WITNESS: I use my age together.<br/>21 BY MR. CRITTON:<br/>22 Q. I'm not saying that you don't, but<br/>23 without having personal knowledge you're best<br/>24 guessing what may have occurred up there between<br/>25 Mr. Epstein and one of the massage women, or for</p>                                                                                                                          |

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| <p style="text-align: right;">Page 467</p> <p>1 that matter anyone else who was upstairs?</p> <p>2 A. Yes.</p> <p>3 MR. HOROWITZ: Form.</p> <p>4 MR. EDWARDS: Form.</p> <p>5 MR. WILLITS: Object to the form.</p> <p>6 MR. CRITTON: Thank you.</p> <p>7 MS. EZELL: I just have a couple of</p> <p>8 questions.</p> <p>9 EXAMINATION</p> <p>10 BY MS. EZELL:</p> <p>11 Q. Following up on that, you did however see</p> <p>12 this same young woman asleep naked in the sauna?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. And you did along with Louella find and</p> <p>15 -- and you did also find sex toys and massagers of</p> <p>16 various kinds and creams scattered around on</p> <p>17 several occasions after these young women had been</p> <p>18 upstairs with Mr. Epstein?</p> <p>19 MR. CRITTON: Object to form, asked and</p> <p>20 answered about six times.</p> <p>21 THE WITNESS: Yes.</p> <p>22 MS. EZELL: No other questions.</p> <p>23 MR. EDWARDS: Sorry, last one. It has</p> <p>24 nothing to do with this report.</p> <p>25 EXAMINATION</p>                                                                                                  | <p style="text-align: right;">Page 469</p> <p>1 A. Yes.</p> <p>2 MR. EDWARDS: Nothing else.</p> <p>3 MR. WILLITS: Is it my turn?</p> <p>4 MR. EDWARDS: Yes.</p> <p>5 EXAMINATION</p> <p>6 BY MR. WILLITS:</p> <p>7 Q. Mr. Rodriguez, you mentioned the last</p> <p>8 time about a lady who was an obvious professional</p> <p>9 masseuse by the name of Johanna. Do you remember</p> <p>10 that?</p> <p>11 A. Yes, I do remember.</p> <p>12 Q. Did you ever pay her?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. How much did you pay her?</p> <p>15 A. It was between 200 and 500, sir, but</p> <p>16 somewhere in that -- between those two amounts.</p> <p>17 Q. For Johanna?</p> <p>18 A. Yes, sir.</p> <p>19 MR. WILLITS: Okay. I don't have any</p> <p>20 other questions.</p> <p>21 MR. CRITTON: You have a right to read</p> <p>22 this deposition when the other part is typed</p> <p>23 and make any changes that you want. Would</p> <p>24 you like to do that? It's your right a</p> <p>25 hundred percent. The court reporter can</p> |
| <p style="text-align: right;">Page 468</p> <p>1 BY MR. EDWARDS:</p> <p>2 Q. During Mr. Critton's questioning he asked</p> <p>3 you about whether or not we had ever shown you a</p> <p>4 previous taped statement that you had given to a</p> <p>5 police officer, and we did not do that; did we?</p> <p>6 A. No.</p> <p>7 Q. We can represent to you that we don't</p> <p>8 have it to show it to you otherwise we would like</p> <p>9 to do that.</p> <p>10 However, he asked you did you tell the</p> <p>11 police officers at that time that the girls</p> <p>12 appeared to be 18 years or older, and I believe</p> <p>13 that you said when you gave the statement to the</p> <p>14 police that you did; right, say that?</p> <p>15 A. Yes.</p> <p>16 Q. And I wrote, I put it in quotes, you said</p> <p>17 that because you were fearful of reprise from</p> <p>18 Ms. Maxwell and Mr. Epstein.</p> <p>19 A. That's correct.</p> <p>20 MR. CRITTON: Form.</p> <p>21 BY MR. EDWARDS:</p> <p>22 Q. Okay. Is everything that you've said</p> <p>23 today and told us today, is it true?</p> <p>24 A. Yes.</p> <p>25 Q. To the best of your knowledge?</p> | <p style="text-align: right;">Page 470</p> <p>1 provide you or whoever set your</p> <p>2 deposition --</p> <p>3 THE WITNESS: I tried to be truthful.</p> <p>4 MR. CRITTON: All you have to do is tell</p> <p>5 her you would like to waive. Do you waive</p> <p>6 the reading and signing?</p> <p>7 MR. EDWARDS: You can either read or you</p> <p>8 can waive reading?</p> <p>9 THE WITNESS: I don't understand what I</p> <p>10 have to do.</p> <p>11 MR. CRITTON: Why don't we go off the</p> <p>12 record and you can explain it to him.</p> <p>13 MR. EDWARDS: We can go off the record.</p> <p>14 THE VIDEOGRAPHER: Off the record.</p> <p>15 (Thereupon, a discussion was held off the</p> <p>16 record.)</p> <p>17 THE WITNESS: Waive.</p> <p>18 (Thereupon, the deposition was concluded</p> <p>19 at 5:30 p.m.)</p> <p>20 - - -</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                  |

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| 1 THE STATE OF FLORIDA, )<br>2 COUNTY OF DADE. )<br>3<br>4<br>5 I, the undersigned authority, certify<br>6 that ALFREDO RODRIGUEZ personally appeared before<br>7 me on the 7th day of August, 2009 and was duly<br>8 sworn.<br>9<br>10 WITNESS my hand and official seal this<br>11 18th day of August, 2009.<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Page 471 |
| 1<br>2 CERTIFICATE<br>3 The State Of Florida, )<br>4 County Of Dade. )<br>5<br>6 I, MICHELLE PAYNE, Court Reporter and<br>7 Notary Public in and for the State of Florida at<br>8 large, do hereby certify that I was authorized to<br>9 and did stenographically report the deposition of<br>10 ALFREDO RODRIGUEZ; that a review of the transcript<br>11 was not requested; and that the foregoing pages,<br>12 numbered from 270 to 472, inclusive, are a true<br>13 and correct transcription of my stenographic notes<br>14 of said deposition.<br>15 I further certify that said deposition was<br>16 taken at the time and place hereinabove set forth<br>17 and that the taking of said deposition was<br>18 commenced and completed as hereinabove set out.<br>19<br>20 I further certify that I am not an<br>21 attorney or counsel of any of the parties, nor am<br>22 I a relative or employee of any attorney or<br>23 counsel of party connected with the action, nor am<br>24 I financially interested in the action.<br>25<br>26 The foregoing certification of this<br>27 transcript does not apply to any reproduction of<br>28 the same by any means unless under the direct<br>29 control and/or direction of the certifying<br>30 reporter.<br>31<br>32 DATED this 18th day of August, 2009.<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>49<br>50<br>51<br>52<br>53<br>54<br>55<br>56<br>57<br>58<br>59<br>60<br>61<br>62<br>63<br>64<br>65<br>66<br>67<br>68<br>69<br>70<br>71<br>72<br>73<br>74<br>75<br>76<br>77<br>78<br>79<br>80<br>81<br>82<br>83<br>84<br>85<br>86<br>87<br>88<br>89<br>90<br>91<br>92<br>93<br>94<br>95<br>96<br>97<br>98<br>99<br>100<br>101<br>102<br>103<br>104<br>105<br>106<br>107<br>108<br>109<br>110<br>111<br>112<br>113<br>114<br>115<br>116<br>117<br>118<br>119<br>120<br>121<br>122<br>123<br>124<br>125<br>126<br>127<br>128<br>129<br>130<br>131<br>132<br>133<br>134<br>135<br>136<br>137<br>138<br>139<br>140<br>141<br>142<br>143<br>144<br>145<br>146<br>147<br>148<br>149<br>150<br>151<br>152<br>153<br>154<br>155<br>156<br>157<br>158<br>159<br>160<br>161<br>162<br>163<br>164<br>165<br>166<br>167<br>168<br>169<br>170<br>171<br>172<br>173<br>174<br>175<br>176<br>177<br>178<br>179<br>180<br>181<br>182<br>183<br>184<br>185<br>186<br>187<br>188<br>189<br>190<br>191<br>192<br>193<br>194<br>195<br>196<br>197<br>198<br>199<br>200<br>201<br>202<br>203<br>204<br>205<br>206<br>207<br>208<br>209<br>210<br>211<br>212<br>213<br>214<br>215<br>216<br>217<br>218<br>219<br>220<br>221<br>222<br>223<br>224<br>225<br>226<br>227<br>228<br>229<br>230<br>231<br>232<br>233<br>234<br>235<br>236<br>237<br>238<br>239<br>240<br>241<br>242<br>243<br>244<br>245<br>246<br>247<br>248<br>249<br>250<br>251<br>252<br>253<br>254<br>255<br>256<br>257<br>258<br>259<br>260<br>261<br>262<br>263<br>264<br>265<br>266<br>267<br>268<br>269<br>270<br>271<br>272<br>273<br>274<br>275<br>276<br>277<br>278<br>279<br>280<br>281<br>282<br>283<br>284<br>285<br>286<br>287<br>288<br>289<br>290<br>291<br>292<br>293<br>294<br>295<br>296<br>297<br>298<br>299<br>300<br>301<br>302<br>303<br>304<br>305<br>306<br>307<br>308<br>309<br>310<br>311<br>312<br>313<br>314<br>315<br>316<br>317<br>318<br>319<br>320<br>321<br>322<br>323<br>324<br>325<br>326<br>327<br>328<br>329<br>330<br>331<br>332<br>333<br>334<br>335<br>336<br>337<br>338<br>339<br>340<br>341<br>342<br>343<br>344<br>345<br>346<br>347<br>348<br>349<br>350<br>351<br>352<br>353<br>354<br>355<br>356<br>357<br>358<br>359<br>360<br>361<br>362<br>363<br>364<br>365<br>366<br>367<br>368<br>369<br>370<br>371<br>372<br>373<br>374<br>375<br>376<br>377<br>378<br>379<br>380<br>381<br>382<br>383<br>384<br>385<br>386<br>387<br>388<br>389<br>390<br>391<br>392<br>393<br>394<br>395<br>396<br>397<br>398<br>399<br>400<br>401<br>402<br>403<br>404<br>405<br>406<br>407<br>408<br>409<br>410<br>411<br>412<br>413<br>414<br>415<br>416<br>417<br>418<br>419<br>420<br>421<br>422<br>423<br>424<br>425<br>426<br>427<br>428<br>429<br>430<br>431<br>432<br>433<br>434<br>435<br>436<br>437<br>438<br>439<br>440<br>441<br>442<br>443<br>444<br>445<br>446<br>447<br>448<br>449<br>450<br>451<br>452<br>453<br>454<br>455<br>456<br>457<br>458<br>459<br>460<br>461<br>462<br>463<br>464<br>465<br>466<br>467<br>468<br>469<br>470<br>471<br>472<br>473<br>474<br>475<br>476<br>477<br>478<br>479<br>480<br>481<br>482<br>483<br>484<br>485<br>486<br>487<br>488<br>489<br>490<br>491<br>492<br>493<br>494<br>495<br>496<br>497<br>498<br>499<br>500<br>501<br>502<br>503<br>504<br>505<br>506<br>507<br>508<br>509<br>510<br>511<br>512<br>513<br>514<br>515<br>516<br>517<br>518<br>519<br>520<br>521<br>522<br>523<br>524<br>525<br>526<br>527<br>528<br>529<br>530<br>531<br>532<br>533<br>534<br>535<br>536<br>537<br>538<br>539<br>540<br>541<br>542<br>543<br>544<br>545<br>546<br>547<br>548<br>549<br>550<br>551<br>552<br>553<br>554<br>555<br>556<br>557<br>558<br>559<br>560<br>561<br>562<br>563<br>564<br>565<br>566<br>567<br>568<br>569<br>570<br>571<br>572<br>573<br>574<br>575<br>576<br>577<br>578<br>579<br>580<br>581<br>582<br>583<br>584<br>585<br>586<br>587<br>588<br>589<br>590<br>591<br>592<br>593<br>594<br>595<br>596<br>597<br>598<br>599<br>600<br>601<br>602<br>603<br>604<br>605<br>606<br>607<br>608<br>609<br>610<br>611<br>612<br>613<br>614<br>615<br>616<br>617<br>618<br>619<br>620<br>621<br>622<br>623<br>624<br>625<br>626<br>627<br>628<br>629<br>630<br>631<br>632<br>633<br>634<br>635<br>636<br>637<br>638<br>639<br>640<br>641<br>642<br>643<br>644<br>645<br>646<br>647<br>648<br>649<br>650<br>651<br>652<br>653<br>654<br>655<br>656<br>657<br>658<br>659<br>660<br>661<br>662<br>663<br>664<br>665<br>666<br>667<br>668<br>669<br>670<br>671<br>672<br>673<br>674<br>675<br>676<br>677<br>678<br>679<br>680<br>681<br>682<br>683<br>684<br>685<br>686<br>687<br>688<br>689<br>690<br>691<br>692<br>693<br>694<br>695<br>696<br>697<br>698<br>699<br>700<br>701<br>702<br>703<br>704<br>705<br>706<br>707<br>708<br>709<br>710<br>711<br>712<br>713<br>714<br>715<br>716<br>717<br>718<br>719<br>720<br>721<br>722<br>723<br>724<br>725<br>726<br>727<br>728<br>729<br>730<br>731<br>732<br>733<br>734<br>735<br>736<br>737<br>738<br>739<br>740<br>741<br>742<br>743<br>744<br>745<br>746<br>747<br>748<br>749<br>750<br>751<br>752<br>753<br>754<br>755<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As reflected in the above flight log, on December 10, 2006 (Flight #1919), Sarah Ransome flew from EWR (Newark, NJ) to TIST (USVI) with Jeffrey Epstein, Jennifer Kalin, and Natalya Malyshev. On December 14, 2006 (Flight #1920), Sarah Ransome flew from TIST (USVI) to EWR (Newark, NJ) with Jeffrey Epstein and Nadia Marcinkova. *See* Giuffre 07139. Ms. Ransome was also flown commercially to Jeffrey Epstein's Island several times.

Defendant was obligated under Rule 26 to include Ms. Ransome in her Rule 26 disclosures: Defendant *knows* that Ms. Ransome is an "individual likely to have discoverable information." Fed. R. Civ. P. 26(a)(A)(i). As Ms. Ransome will testify, Defendant was on the island with her and interacted with her on a regular basis. Defendant's refusal to disclose her is not only (yet another) discovery violation, but also a part of the secrecy that Defendant and Epstein strove to maintain surrounding their sex trafficking ring. Defendant should not be allowed to participate in a sex trafficking ring, conceal the witnesses (and victims) of that ring, and then proclaim "surprise" when Ms. Giuffre succeeds in locating one of the victims. Simply put, she should not be allowed to benefit from her obvious failure to properly disclose Ms. Ransome.

**Ms. Ransome's Testimony is Not Cumulative And Has Highly Relevant Evidence**

Defendant also advances the remarkable argument that it is "unlikely" that Ms. Ransome will have relevant information. Yet Ms. Ransome witnessed – first hand – Defendant's involvement in sex trafficking with Jeffrey Epstein. Nor will her testimony be cumulative. First, at the heart of this case is Defendant's sworn testimony that she was not involved in sex trafficking with Epstein. Ms. Ransome can directly refute Defendant's sworn testimony under oath in numerous ways.

...the primary purpose of those visits was to have me have sexual relations with Jeffrey, Nadia Marcinkova, and various other girls and guests brought to the island...During one of my first visits to the island I met Ghislaine Maxwell. Watching her interact with the other girls on the island, it became clear to me that she recruited all or many of them to the island. Once they were there, she appeared to be in charge of their activities, including what they did, who they did it with, and how they were supposed to stay in line. She assumed the same supervisory role with me as soon as I arrived. Some of the girls appeared to be 18 or older but many appeared to be young teenagers.

Exhibit A, Affidavit of Sarah Ransome. In addition, Defendant has made known her plan to put forth Alan Dershowitz as a witness at trial to testify that Ms. Giuffre is lying, and that he never had sex with her or anyone else provided by Jeffrey Epstein. While Ms. Giuffre contends that Dershowitz's testimony is not relevant to this case concerning Defendant, in the event that the Court disagrees, Ms. Ransome directly contradicts this testimony because, as part of her



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involvement in the sex trafficking ring, like Ms. Giuffre, Ms. Ransome was also required to engage in sexual acts with Jeffrey Epstein and Alan Dershowitz.

In addition to spending time with Jeffrey on his island, I spent time with him in New York City...Among the people he lent me to was his friend Alan Dershowitz. On one occasion I was in a bedroom at Jeffrey's New York townhouse with Jeffrey and Nadia Marcinkova. After a short time, Alan Dershowitz entered the room after which Jeffrey left the room and Nadia and I had sex with Dershowitz...

See Exhibit A. Affidavit of Sarah Ransome. The testimony of Ms. Ransome goes to the heart of this defamation claim – whether or not Ms. Giuffre was truthful in her claims about Defendant's involvement in Epstein's sex trafficking ring, and the Court should allow the jury to hear her.

**Ms. Giuffre Has Diligently Participated In Discovery And Promptly Disclosed Ms. Ransome After Conducting Due Diligence**

Defendant also insinuates that Ms. Giuffre has delayed in disclosing Ms. Ransome. But as the Court is well aware, Ms. Giuffre has previously diligently disclosed close to 100 individuals who may have relevant information in her Rule 26 disclosures. By contrast, Defendant's Rule 26 disclosures never listed Ms. Ransome as a witness, despite the fact that Defendant was in her company on several occasions including on Epstein's island, where Ms. Ransome was one of several girls being sexually trafficked for Epstein upon the direction and insistence of Defendant. After being contacted by Ms. Ransome, counsel for Ms. Giuffre properly conducted a due diligence investigation into whether the information she provided had merit. Specifically, Ms. Giuffre's counsel undertook the expense to fly to Europe to meet in person with this newly disclosed witness on January 4, 2017, returning on January 6, 2017, to fully evaluate her credibility. Upon evaluating the witness and upon the witness confirming that she was willing to sign an affidavit under oath regarding her testimony, Ms. Giuffre arranged to have a sworn affidavit executed at the U.S. Embassy in the country where Ms. Ransome resides. Ms. Giuffre then issued revised Rule 26 disclosures on January 13, 2017 and informed Defendant that she would produce Ms. Ransome for a deposition as a newly-disclosed witness immediately so as to avoid any prejudice or delay in the March 13, 2017 trial date. In short, Ms. Giuffre acted promptly and reasonably after being contacted by this victim of Epstein's and Defendant's sex trafficking ring.

**Defendant Will Not Be Prejudiced Because Ms. Ransome is Readily Available for Deposition**



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Defendant's argument about her alleged burden from allowing this one additional witness also rings hollow.<sup>1</sup> Defendant complains about her alleged lack of resources, but as this Court is aware, Defendant is a wealthy socialite (who recently sold her New York Townhome for \$15 million dollars) who has heavily litigated this case in ways that were completely unnecessary.<sup>2</sup>

Moreover, deposition discovery is still ongoing in this case. Ms. Kellen sat for her deposition last week (wherein she invoked the Fifth Amendment when asked about Defendant's involvement in Epstein's sex trafficking ring) along with Ms. Marcinkova who was recently deposed on January 17, 2017. Due to Defendant's unwillingness to produce her agent, Ross Gow for deposition, Ms. Giuffre did not get to depose him until November 18, 2017 at which time he produced never-before-seen documents that are critical to this case. Defendant has yet to sit for her follow-up deposition that was directed by the Court but for which Defendant filed a "Motion for Reconsideration" on November 16, 2016, which is still pending. Needless to say, while the official discovery deadline has closed, certain depositions have been taken more recently due to issues with witness cooperation. Of course, if Defendant does not desire to take Ms. Ransome's deposition, then Ms. Giuffre is content simply calling her at trial. But Defendant will hardly be prejudiced by allowing a witness to testify who is available for deposition.

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<sup>1</sup> Defendant argues that because Jane Doe 43 (who for purposes of this sealed filing we can identify as Ms. Ransome) has recently filed a complaint against multiple defendants for violations of sex trafficking laws that Defendant should get to reopen discovery and further investigate everyone named as a Defendant. Notably, these are all individuals that were part of the sexual trafficking ring that Defendant was a party to and she has known about them and interacted with them for years. Ms. Ransome's claim had to be filed swiftly because her statute of limitations was continuing to run and the details of her allegations only recently became known to counsel. In any event, the questions that need to be asked of Ms. Ransome are simply and straightforward: Was Defendant involved in Epstein's sex trafficking ring? That question has been at the heart of this case for many months and exploring it does not raise any new issues.

<sup>2</sup> For example, Defendant litigated over the production of facially non-privileged documents; Defendant filed no fewer than three frivolous sanctions motions; Defendant filed *Daubert* challenges to all six of Ms. Giuffre's expert witnesses; and Defendant has filed discovery motions without even conferring with Ms. Giuffre in advance, including one for which Ms. Giuffre did not oppose the relief sought (Defendant's motion to reopen Ms. Giuffre's deposition). Further, Defendant apparently had the resources to file approximately 100 pages of single-spaced objections to Ms. Giuffre deposition designations, an unorthodox volume that stands out not simply because this is a one-count defamation claim, but because she objects to the same type of testimony that she has designated for admission.



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The Case Law Supports Allowing Ms. Ransome As A Trial Witness

Ms. Giuffre has offered Defendant, subject to this Court's approval, the opportunity to take Ms. Ransome's deposition. And, as this Court has already explained, taking the deposition of a newly-discovered witness cures any prejudice: "[t]his and other courts have adopted the taking of depositions as an appropriate mechanism to address late-disclosed witnesses." *MBIA Ins. Corp. v. Patriarch Partners VIII, LLC*, 201 WL 2568972, at \*14-15 (S.D.N.Y. Sept. 29, 2003) (concluding that plaintiff should be given the opportunity to depose a late-identified witness).

The cases that Defendant cites are all vastly different from the case before this Court and are easily distinguishable. In *Gray v. Town of Darien*, 927 F.2d 69 (2d Cir.1991), the court denied the motion to reopen discovery and granted summary judgment because the plaintiff failed to seek any discovery during the six-month discovery period set forth by the court. In stark contrast, Ms. Giuffre has actively engaged in discovery. The fact that this witness had critical information as a victim of Epstein and Defendant's sex trafficking ring could not have been known by Ms. Giuffre until the witness contacted Ms. Giuffre's lawyers. In *Trebor Sportswear Co., Inc. v. The Limited Stores, Inc.*, 865 F.2d 506 (2d Cir. 1989), a case involving a statute of frauds issue, the court would not let the parties re-open discovery because there was no reason to believe that they would find a missing written agreement. Here, Ms. Giuffre has found a witness who has will provide to the jury critical information about Defendant's involvement in sex trafficking that directly contradicts Defendant's sworn testimony. In *Smith v. United States*, 834 F.2d 166 (10th Cir. 1987), the plaintiff made his request for a new witness on *the morning of trial*, having had eight months to conduct depositions. Additionally, the Tenth Circuit found that the new witness would not even be relevant to the narrow issue being addressed at trial. *Id.* at 169. In contrast, Ms. Giuffre has provided Defendant ample time to conduct discovery on Ms. Ransome, a witness who has vital evidence on the central issues in this case. In *Vineberg v. Bissonnette*, 548 F.3d 50, 55 (1st Cir. 2008), the First Circuit found that the defendant failed to point to any "relevant leads" that she might have obtained had the court reopened discovery. Here, it is patently obvious that Ms. Ransome holds a wealth of valuable information and is, as Defendant herself admits, a significant witness. Finally, in *Jeannite v. City of N.Y. Dept. of Buildings*, 2010 WL 2542050, at \*2 (S.D.N.Y. June 21, 2010), plaintiff waited until the very end of discovery to make the request and had not sent any document requests or sought to depose any witnesses, which is in contrast to Ms. Giuffre having actively participated in discovery. Furthermore, there was no way for Ms. Giuffre to know that Ms. Ransome had such critical information until she called us *because Defendant never disclosed her*. Accordingly, Defendant fails to accurately support her claims with any relevant case law.

Conclusion

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For the foregoing reasons, this Court should allow Ms. Giuffre to include Ms. Ransome as a witness to be called at the trial scheduled to begin on March 13, 2017. Again, Ms. Giuffre commits to making Ms. Ransome available for deposition at the reasonable convenience of Defendant's counsel.

Respectfully submitted,

s/Sigrid McCawley  
Sigrid McCawley

SM/

cc: Counsel of Record

EXHIBIT A  
CONFIDENTIAL



**CONFIDENTIAL**

United States District Court  
Southern District of New York

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

AFFIDAVIT

I, Sarah Ransome, swear and affirm as follows:

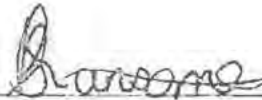
1. I am currently over the age of 18 and presently reside in the country of Spain.
2. In the summer of 2006, when I was twenty-two years old and living in New York, I was introduced to Jeffrey Epstein by a girl I had met named Natalya. Malyshev. Shortly after meeting Jeffrey he invited me to fly to his private island in the US Virgin Islands, which I did. After that first trip I traveled to the island several more times, usually on one of Jeffrey's private airplanes, and always at his direction. I am told that my name appears on the flight logs of one or more of those trips. On a few occasions, Jeffrey also arranged to have me flown to the island on commercial flights. As it turned out, the primary purpose of those visits was to have me have sexual relations with Jeffrey, Nadia Macinkova, and various other girls and guests he brought to the island.
3. During one of my visits to the island I met Ghislaine Maxwell. Watching her interact with the other girls on the island, it became clear to me that she recruited all or many of them to the island. Once they were there, she appeared to be in charge of their activities, including what they did, who they did it with, and how they were supposed to stay in line. She assumed the same supervisory role with me as soon as I arrived. Some of the girls appeared to be 18 or older, but many appeared to be young teenagers. I recall seeing a particularly young, thin girl who looked well under 18 and recall asking her her age. I later learned was a ballerina. She refused to tell me or let me see her passport.
4. In addition to spending time with Jeffrey on his island, I spent time with him in New York City. At his town house I was also lent out by him to his friends and

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associates to have sex. Among the people he lent me to was his friend, Alan Dershowitz. On one occasion I was in a bedroom at Jeffrey's New York townhouse with Jeffrey and Nadia Marcinkova. After a short time, Alan Dershowitz entered the room, after which Jeffrey left the room and Nadia and I had sex with Dershowitz. I recall specific, key details of his person and the sex acts and can describe them in the event it becomes necessary to do so.

I affirm under penalty of perjury that the foregoing is true and correct.

Dated: 05-01-2017

  
\_\_\_\_\_

Sarah Ransome

CONFIDENTIAL

# CERTIFICATE OF ACKNOWLEDGMENT OF EXECUTION OF AN INSTRUMENT

The Kingdom of Spain  
(Country)

Province of Barcelona  
(County and/or Other Political Division)

City of Barcelona  
(County and/or Other Political Division)

} SS:

Consulate Gral. of the United States of America  
(Name of Foreign Service Office)

I,

Hsiao-Ching Chang, Vice Consul

of the United States of America at

Barcelona, Spain

duly commissioned and qualified, do hereby certify that on this day of

01-05-2017  
Date (mm-dd-yyyy)

, before me personally appeared

Sarah Emma Ashley RANSOME-----

~~to me personally known, and~~ known to me to be the individual described in, whose name is subscribed to,

and who executed the annexed instrument, and being informed by me of the contents of said instrument she

duly acknowledged to me that she executed the same freely and voluntarily for the uses and purposes

therein mentioned.

[SEAL]

*Hsiao-Ching Chang*

In witness whereof I have hereunto set my hand and

official seal the day and year last above written.

Hsiao-Ching Chang

Vice Consul of the United States of America.

This document consists of 4 pages, including the Acknowledgement certificate.

NOTE: Wherever practicable all signatures to a document should be included in one certificate.

United States District Court  
Southern District of New York

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

---

**PLAINTIFF GIUFFRE'S RESPONSE IN OPPOSITION TO DEFENDANT'S  
MOTION *IN LIMINE* TO EXCLUDE *IN TOTO* CERTAIN DEPOSITIONS  
DESIGNATED BY PLAINTIFF FOR USE AT TRIAL**

Sigrid McCawley  
BOIES, SCHILLER & FLEXNER LLP  
401 E. Las Olas Blvd., Suite 1200  
Ft. Lauderdale, FL 33301  
(954) 356-0011

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Plaintiff Ms. Giuffre respectfully submits this Response in Opposition to Defendant's Motion in Limine to Exclude in Certain Depositions Designated by Plaintiff for Use at Trial.

**PRELIMINARY STATEMENT**

In carrying through on her threat to object to every piece of evidence that Ms. Giuffre intends to use at trial, Defendant Maxwell has raised three general objections to various depositions Ms. Giuffre has designated for use at trial.

First, Defendant argues that Jeffrey Epstein is not an unavailable witness and should appear as a live witness. Ms. Giuffre would like to have him appear at trial and it appears that Epstein's counsel is willing to accept a subpoena for him. If so, the issue is moot. But if for any reason that trial subpoena fails to secure his attendance, it is clear he is an unavailable witness since he previously evaded more than a dozen efforts to serve him with a pre-trial deposition subpoena.

Second, Defendant raises certain objections based on the fact that Jeffrey Epstein, [REDACTED] and Philip Esplin gave testimony that is helpful to Ms. Giuffre during their depositions and therefore she seeks to exclude that damaging testimony. This hardly provides a basis for excluding their evidence. Epstein should be allowed to testify so that Ms. Giuffre can obtain adverse inferences from his Fifth Amendment invocations. [REDACTED] and Esplin should be allowed to testify, via deposition, because they have information relevant for the jury.

Finally, Defendant objects to the use of a deposition of Alfredo Rodriguez. But because he has since passed away, the choice is between preventing the jury from hearing any of his testimony and using the earlier transcript. The transcript should be allowed.

**ARGUMENT**

**I. EPSTEIN AND, POTENTIALLY, ESPLIN ARE UNAVAILABLE WITNESSES.**

**A. Jeffrey Epstein is a Witness who is more than 100 miles from the place of hearing, or at a Minimum a Witness Who Cannot Be Subpoenaed.**

Defendant argues that Jeffrey Epstein can simply appear live at the trial since he “reside[s]” within 100 miles of the courthouse, Mot. at 2, and thus Ms. Giuffre can simply subpoena him. It appears that this issue has been resolved because Epstein’s attorneys have agreed to accept a trial subpoena on his behalf. *See* McCawley Dec. at Exhibit 1, Letter from Jack Goldberger, Esq. Epstein’s lawyers have also indicated they will be moving to quash his subpoena. If Epstein appears live at trial, then Ms. Giuffre will, of course, simply present that live testimony rather than rely on his recorded deposition.

In her motion, Defendant fails to mention the extraordinary efforts that Ms. Giuffre had to undertake to obtain the pre-trial deposition of Epstein. As the Court will recall from Ms. Giuffre’s Motion for Leave to Serve Three Deposition Subpoenas by Means Other Than Personal Service, filed May 25, 2016, Ms. Giuffre began by asking Epstein’s legal counsel to accept service of a subpoena in this matter. Epstein’s counsel refused. Accordingly, Ms. Giuffre was forced to retain an investigative company to attempt to locate Epstein for purposes of personal service. What followed were no less than sixteen attempts to personally service Epstein, including affixing subpoenas to his “temporary” address in New York. A copy of the subpoena was also provided to Epstein’s counsel.

As the Court will recall, Epstein was not the only person in the sex trafficking ring who was evading service. Sarah Kellen and Nadia Marcincova, two other conspirators who (along with Defendant), helped Epstein in his sex abuse and sex trafficking efforts were also evading service.

As a result of these efforts to evade service, Ms. Giuffre filed a motion for leave to proceed by way of alternative service with regard to Epstein. Before the Court could rule on the motion regarding Epstein, Epstein's legal counsel agreed to have Epstein appear for his deposition – in Florida.

Epstein has every motivation to evade service because the questions he would be asked at trial would involve his sexual abuse of minors. And given Epstein's success at evading sixteen earlier efforts to serve him, the Court should permit Ms. Giuffre to use Epstein's deposition at the upcoming trial – if, for any reason, he does not appear live. Under Fed. R. Civ. P. 32(a)(4)(D), a party may use a deposition of a witness when “the party offering the deposition could not procure the witness's attendance by subpoena.” A showing that the witness has evaded attempts to be served with a subpoena suffices to make the showing of unavailability. *See In re Ashley*, 903 F.2d 599, 603 (9th Cir. 1990). Furthermore, Defendant will suffer no prejudice if Epstein appears by way of deposition rather than through live testimony. As discussed at greater length in Part II below, Epstein is being called for purposes of securing an adverse inference from his invocation of his Fifth Amendment right against self-incrimination. In these circumstances, live testimony will not provide any significantly different testimony from that which has already been secured by deposition.

Notably, Ms. Giuffre has already attempted to serve a trial subpoena upon Epstein in New York. On February 8, 2017, an investigator from Alpha Group Investigations went to 9 East 71<sup>st</sup> Street, New York, New York, a mansion where Epstein had previously resided (and sexually abused Ms. Giuffre). *See McCawley Dec. at Exhibit 2, Affidavit of Anna Intriago.*

Even if Epstein is somehow deemed to be “available,” the Court retains discretion to allow the use of his deposition, where “on motion and notice” the Court finds “that exceptional

circumstances make it desirable – in the interest of justice and with due regard to the importance of live testimony in open court – to permit the deposition to be used.” Fed. R. Civ. P. 32(a)(4)(E). Given the importance of Epstein to this case, if for any reason he fails to appear, the Court should also exercise its discretion to allow his deposition to be used.

Defendant also argues that **Rinaldo Rizzo** is a witness who should appear live at the trial, rather than through deposition testimony. Ms. Giuffre agrees that it would be optimal if **Rizzo** were to appear in person at trial. Ms. Giuffre has contacted **Mr. Rizzo’s** counsel to attempt to secure his appearance at trial. She anticipates that he will indeed appear at trial. But should it appear that those efforts to secure his attendance at trial be unsuccessful, Ms. Giuffre reserves the right to ask the Court to present his testimony via the deposition designations she has made, as he would be, at that point, “unavailable.”

**B. Esplin May Be an Unavailable Witness.**

Ms. Giuffre has also designated certain excerpts from the deposition of one of Defendant’s own experts, Dr. Phillip Esplin. This designation was a defensive measure. Some of Esplin’s testimony was so favorable to Ms. Giuffre that she wanted to ensure it would be available to present to the jury. Counsel for Ms. Giuffre has contacted defense counsel to confirm that Defendant will still be calling Esplin to trial. Defense counsel has, thus far, refused to respond to this inquiry in any way.

If Defendant calls Esplin as a witness at trial, Ms. Giuffre would then have no need to rely upon his deposition testimony, as she would simply cover the same terrain via live questions before the jury. Should, however, Defendant decide to withhold Esplin as a witness, Ms. Giuffre would like to use limited parts of his testimony at trial.

Of course, Defendant can hardly claim any sort of unfair prejudice from having testimony from her own expert witness presented at trial. Defendant also argues that the designated

excerpts are somehow beyond the scope of Esplin's expertise. Ms. Giuffre will address this concern at the appropriate time in the appropriate pleading which deals with relevance issues.

**II. EPSTEIN, [REDACTED] AND ESPLIN SHOULD ALL BE ALLOWED TO TESTIFY VIA DEPOSITION TESTIMONY.**

Defendant next objects to testimony from Jeffrey Epstein, [REDACTED] and Philip Esplin, claiming that they all "refused to respond to questions." Mot. at 5. Contrary to Defendant's argument, all three of the witnesses did, in fact, answer questions and provide useful information. Epstein answered questions by invoking his Fifth Amendment right against self-incrimination. [REDACTED] answered questions after her recollection about certain events was refreshed. And Esplin answered questions in which he testified favorably for Ms. Giuffre, which led to Ms. Giuffre designating certain parts of his deposition for use at trial. Accordingly, Defendant's arguments lack merit with respect to all three of these witnesses and her motion should be denied.

**A. Jeffrey Epstein.**

Jeffrey Epstein is a pivotally important witness in this case. Ms. Giuffre should be permitted to call him, either live or via deposition, to have him invoke his Fifth Amendment right to refuse to answer pivotal questions in this case. The jury should then, in its discretion, be permitted to draw such adverse inferences as may be appropriate.

This procedure is very clearly recognized in the leading case of *LiButti v. United States*, 107 F.3d 110, 121 (2d Cir. 1997). *LiButti* articulated several non-exclusive factors to be considered, in light of the circumstances of the case, which should guide a district court in making a determination about whether to allow the jury to hear a Fifth Amendment invocation. *LiButti*, 107 F.3d at 123–24. The Second Circuit emphasized, however, that whether these or other circumstances unique to a particular case are considered by the trial court, "the overarching

concern is fundamentally *whether the adverse inference is trustworthy under all of the circumstances and will advance the search for the truth.*” *Id.* at 124 (emphasis added). A number of subsequent decisions from the Southern District of New York have allowed evidence of a third party’s invocations to be used against a party in litigation. *See, e.g., Amusement Indus., Inc. v. Stern*, No. 07CIV11586LAKGWG, 2016 WL 4249965, at \*8 (S.D.N.Y. Aug. 11, 2016) (drawing negative inference against defendant based on key witness’ invocation of privilege); *S.E.C. v. Durante*, No. 01 CIV. 9056 DAB AJP, 2013 WL 6800226, at \*11 (S.D.N.Y. Dec. 19, 2013) (drawing negative inference when Fifth Amendment invoked by a “prominent figure in the case”), *report and recommendation adopted*, No. 01 CIV. 9056 DAB, 2014 WL 5041843 (S.D.N.Y. Sept. 25, 2014), *aff’d*, 641 F. App’x 73 (2d Cir. 2016); *John Paul Mitchell Sys. v. Quality King Distributors, Inc.*, 106 F. Supp. 2d 462, 471 (S.D.N.Y. 2000) (drawing inference from invocation and noting alignment of interests).

All of the *LiButti* factors tip in favor of allowing Ms. Giuffre to call Epstein. Ms. Giuffre has analyzed this issue at length in her contemporaneously filed Motion to Present Testimony from Jeffrey Epstein for Purposes of Obtaining an Adverse Inference. To avoid burdening the Court with duplicative briefing, Ms. Giuffre specifically adopts and incorporates by reference all of the briefing and arguments in that motion in the response here. For all of the reasons given in that motion, Ms. Giuffre should be allowed to call Epstein. Accordingly, Defendant’s motion to exclude Epstein should be denied.

To be clear, as part of calling Epstein, Ms. Giuffre has no objection to the jury being given appropriate cautionary instructions about the adverse inferences. Those instructions should make clear that the jury is not required to draw any inference at all from Epstein’s invocations, and that it should only draw inferences if it finds that there is an independent foundation for the



question being asked and independent corroboration for the adverse inference being drawn. The jury can also be instructed that it should draw such an inference only where, in light of all the other evidence presented at trial, the inference “is trustworthy under all of the circumstances.” *LiButti*, 107 F.3d at 124. The Defendant may also request additional cautionary instructions, and the Court (after hearing from Ms. Giuffre) may determine to give such cautionary instructions. But the best course of action is to allow a properly-instructed jury to consider Epstein’s invocations, along with all of the other evidence in the case, to reach a fair decision.

Finally, it is important to recognize that the Court has before it very specifically designated excerpts from Epstein’s deposition transcript. While Ms. Giuffre intends to call Mr. Epstein live at trial, the Court can review each deposition excerpt to insure that the inference that might be drawn would be appropriate. The Court can then instruct Ms. Giuffre’s counsel to ask only those specific questions that it approves. This approval process provides an additional safeguard against unfair prejudice.

*LiButti* specifically recognizes that “[s]ilence is often evidence of the most persuasive character.” 107 F.3d at 124 (*quoting United States ex rel. Bilokumsky v. Tod*, 263 U.S. 149, 153-54 (1923) (Brandeis, J.)). Ms. Giuffre should be allowed to present that persuasive evidence here.

**B. [REDACTED] Deposition Should Be Allowed.**

Defendant next challenges testimony from one of Epstein’s victims, [REDACTED] who was very similarly situated to Ms. Giuffre. The basis for this meritless argument is that, according to Defendant, [REDACTED] has “little or no memory of most or all of the events surrounding the time she knew Mr. Epstein.” Mot. at 12.

This is a misleading summary of the testimony provided by [REDACTED]. During her deposition, [REDACTED] explained that when she was about 16 years of age, she was brought to



Epstein's mansion under the guise of providing him with a massage. She was then led up to his bedroom, where Epstein sexually abused her in the same ways that Ms. Giuffre was also sexually abused. To be sure, because this happened a number of years ago, [REDACTED] will unsurprisingly not be able to recall every tiny detail of her sexual abuse. But such lapses in memory are simply fodder for cross-examination. They do not provide any basis for excluding her testimony in its entirety. *See* Fed. R. Evid. 601 (providing presumption of competency to testify); *see, e.g., United States v. Sinclair*, 109 F.3d 1527, 1536-37 (10th Cir. 1997) (even being "very strung out" on morning of events did not disqualify witness from testifying).

Defendant also raises technical objections to aspects of [REDACTED] testimony. In doing so, Defendant simply repeats objections that she has already lodged at [REDACTED] testimony in her separate pleading on that subject. Ms. Giuffre will respond in detail to those objections in a dedicated pleading, but a few general responses are appropriate herein.

Defendant seems to argue that Rule 612, Federal Rules of Evidence, somehow requires the exclusion of this evidence. Yet Rule 612 is not a rule of exclusion, but simply a rule of procedure that gives an adverse party the right to examine a writing used to refresh a witness's memory. Defendant does not claim that Ms. Giuffre's counsel in any way violated Rule 612, so it is not clear what her argument is for exclusion under that rule.

Defendant also makes reference to the Palm Beach police report, which details Epstein's sexual abuse of many young girls. With respect to claims that aspects of [REDACTED] testimony simply read into evidence passages from the police report, those specific objections will be dealt with in Ms. Giuffre's specific responses to Defendant's objections to the testimony. Such objections concern only a tiny fraction of [REDACTED] testimony, most of which involves recounting Epstein's sexual abuse.

With regard to Defendant's general objections that the Palm Beach Police Report is inadmissible hearsay, her claim that it is simply inadmissible is clearly overbroad. The Court will need to address any objection to admission of the police report in the context of the particular occasion in which it arises. For example, Defendant's own expert – Dr. Esplin – has apparently reviewed the police report as part of his testimony. Presumably, this is because he believes that under Rule 703 the report is the kind of information that experts in this area need to rely upon.

More broadly, the Palm Beach police report, which was properly used to try and refresh [REDACTED] recollection during her deposition, may be admitted at trial for multiple reasons. To begin with, the report may be admissible for various non-hearsay purposes – e.g., admissible because it would not be admitted for the truth of any matters asserted in the report. For instance, Defendant has indicated that she was aware of the police report. Accordingly, the report may be admissible - *not to show that its contents are true* - but to show Defendant's state of mind – specifically that when Defendant called Ms. Giuffre a liar, she not only knew, she herself had abused Ms. Giuffre, she was doing so knowing that the Palm Beach Police Department had found that dozens of girls in circumstances similar to Ms. Giuffre's had been abused. Moreover, the report may come in to show Defendant's strong ties to Epstein – i.e., that after she knew, by way of the police report, that he had sexually abused several dozen minor girls, she continued to associate with him.

Beyond that, the report may be properly admissible under exceptions to the hearsay rule. For example, it seems likely to qualify for admission under Rule 804(8) as a public record for an investigating government agency. Or, if for any reason it fails to fit Rule 804(8), it would be admissible under Rule 807, the residual hearsay clause.

Nevertheless, the Court need not resolve these evidentiary issues here, in a motion to exclude testimony by [REDACTED]. Instead, the Court should assess these issues either at trial or pre-trial if a motion in limine is filed.

**C. Esplin’s Deposition Should Be Allowed if Defendant Decides Not to Make Him Available at Trial.**

Defendant also argues that Ms. Giuffre should not be permitted to designate extremely helpful testimony provided by Defendant’s own expert, Dr. Esplin. While Defendant is apparently fine with Esplin’s opinions that are helpful to her case, she claims that portions of his testimony that happen to be favorable to Ms. Giuffre are “outside the scope of his opinion.” This pick-and-choose approach is not permitted, and Defendant is required to take the bitter with the sweet. Ms. Giuffre has properly designated portions of Esplin’s deposition which are helpful to her and within the scope of his expertise. For example, Defendant offered Esplin as an expert on memory issues, and Ms. Giuffre is entitled to ask for his opinions concerning various memory issues in this case. Ms. Giuffre will respond specifically to Defendant’s argument at greater length in response to his objections to her designation.

**III. ALFREDO RODRIGUEZ’S TESTIMONY IN AN EARLIER DEPOSITION SHOULD BE ALLOWED SINCE HE HAS SINCE DIED.**

Ms. Giuffre has designated excerpts from a deposition of Alfredo Rodriguez, conducted in July 2009. Mr. Rodriguez worked inside Epstein’s Palm Beach mansion, and therefore had intimate details about how girls were being sexually trafficked by Epstein and Defendant. Ms. Giuffre would call Mr. Rodriguez as a witness at trial, but he has since died. Accordingly, the only way that his testimony can be presented to the jury is through the deposition transcript.

Mr. Rodriguez’s previously-taken deposition testimony is admissible for two reasons. First, the testimony is admissible under Fed. R. Evid. 804(b)(1), as Mr. Rodriguez is unavailable and he is Defendant’s predecessor in interest – her co-conspirator, Jeffrey Epstein – had an

opportunity to cross-examine Mr. Rodriguez earlier. Second, even if for some technical reason Mr. Rodriguez's deposition does not meet the requirements of Rule 804(b)(1), his testimony is clearly trustworthy and should be admitted under the residual hearsay provision of the Federal Rules of Evidence, Rule 806.

**A. Mr. Rodriguez's Deposition Testimony is Admissible Under Fed. R. Evid. 804(b)(1).**

While Defendant has challenged virtually everything else in this case, she does not challenge that Mr. Rodriguez, who is dead, is an "unavailable" witness at the trial. Defendant does, however, contend that his previously-taken testimony must be excluded because it is, in her view, "inadmissible" under Fed. R. Civ. P. 32. Defendant claims that Rule 32 sets out the "prerequisite[s] to use of a deposition at trial." Mot. at 14. But, in fact, Rule 32 is not the only way to admit a prior deposition. The Federal Rules of Evidence also contain provisions allowing the use of a prior deposition. In fact, although not cited in Defendant's motion, Fed. R. Civ. P. 32(a)(8) specifically provides: "A deposition previously taken may also be used as allowed by the Federal Rules of Evidence." This provision was specifically added to the Rules of Civil Procedure because, as the Advisory Committee Notes explain, "the Federal Rules of Evidence permit a broader use of depositions previously taken under certain circumstances." Adv. Comm. Notes, Fed. R. Civ. P. 32, 1980 Amendments.

The relevant provision of the Federal Rules of Evidence is Rule 804(b)(1). Prior deposition testimony of an unavailable witness (such as Mr. Rodriguez) is admissible so long as it meets these requirements:

- (1) *Former Testimony*. Testimony that:
  - (A) was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and
  - (B) is now offered against a party who had — or, in a civil case, whose predecessor in interest had — an opportunity and similar motive to develop it by direct, cross-, or redirect examination.

Defendant obviously cannot dispute that the requirements of item (A) are met, since Mr. Rodriguez's former testimony was given in a deposition.

The only remaining issue for admissibility concerns item (B), which allows use, in a civil case, of a deposition so long as the party (in this case, the Defendant) had a "predecessor in interest" who had "an opportunity and similar motive" to develop the testimony through cross-examination. The earlier deposition was taken in the case of *Jane Doe No. 6 v. Jeffrey Epstein*, Case No. 08-CV-80994, on August 7, 2009, as well as other civil cases brought by other victims of Epstein. *See* McCawley Dec. at Exhibit 3, Rodriguez Dep. Tr. at 271.

As the case caption itself makes clear, Defendant had a "predecessor in interest" in the case – namely, her co-conspirator, Jeffrey Epstein. To determine whether there is a predecessor in interest, the courts look to whether there was a "community of interest" between the two persons. *See Lloyd v. American Export Lines, Inc.*, 580 F.2d 1179, 1185-87 (3d Cir. 1978). In making such determinations, courts should give a "realistically generous" interpretation that presents a "complete picture" of the situation. *Id.* at 1187. For example, both the Coast Guard and a seaman were found to have the same interest in asking questions about an incident at sea. *Id.*

Similarly here, Epstein and Defendant had the same interest in asking questions about the sex abuse taking place in the Palm Beach mansion they cohabitated for years. At the deposition in question, Epstein was represented by legal counsel, Robert Critton, Esq. *Id.* at 275. Following questioning from counsel for Epstein's victims that suggested Mr. Rodriguez had seen evidence of sexual abuse going on in Epstein's mansion, Critton cross-examined Mr. Rodriguez. *See id.* at 338-419. Critton specifically asked an entire series of questions about Defendant. *See id.* at 364-



69, 375-76, 416-17. Indeed, several of the passages that Ms. Giuffre has designated for use in this trial come from questions asked of Mr. Rodriguez by Epstein's counsel.

Epstein also had a similar motive to ask questions during the deposition. Under Rule 804(b)(1), "'similar motive' does not mean 'identical motive.'" *United States v. Salerno*, 505 U.S. 317, 326 (Blackmun, J., concurring). Determining whether a motive is sufficiently similar is a "factual inquiry, depending in part on the similarity of the underlying issues and on the context." *Id.* "A motive to develop testimony is sufficiently similar for purposes of Rule 804(b)(1) when the party now opposing the testimony would have had, at the time the testimony was given, an interest of substantially similar intensity to prove (or disprove) the same side of a substantially similar issue now before the court." *United States v. Carneglia*, 256 F.R.D. 366, 372 (E.D.N.Y. 2009) (internal quotations omitted).

Here, Epstein's motive and Defendant's motive are the same – to deny that sexual abuse occurred. Both the victims in that case – and Ms. Giuffre here – are alleging that Epstein and Defendant worked together to sexually abuse minor girls. Epstein asked numerous questions designed to undercut those aspects of Mr. Rodriguez's deposition that could be used to support such claim. His motive was identical to Defendant's, and Mr. Rodriguez's deposition transcript should accordingly be presented to the jury. Rule 804 "expresses preferences: testimony given on the stand in person is preferred over hearsay, and hearsay, if of the specified quality, is preferred over complete loss of the evidence of the declarant." *Lloyd*, 580 F.2d at 1185. The jury should not suffer "complete loss" of the evidence of Mr. Rodriguez.

**B. If the Rodriguez Deposition is Not Admissible Under the Former Testimony Exception, It Should Be Admitted Under the Residual Hearsay Exception.**

For all the reasons just explained, Mr. Rodriguez's deposition testimony falls within the former testimony exception to the hearsay rule. However, if for any reason the court concludes that the

testimony does not fall within that exception, the question would at least be a close one. In such “near miss” situations, the residual hearsay exception provided in Federal Rule of Evidence 807 comes into play. *See United States v. Valdez-Soto*, 31 F.3d 1467, 1472 (9th Cir. 1994) (almost fitting another exception cuts in favor of admitting).

To qualify for admission of a statement under the residual hearsay clause, four factors must apply, as explained in Rule 807:

- (1) the statement has equivalent circumstantial guarantees of trustworthiness;
- (2) it is offered as evidence of a material fact;
- (3) it is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts; and
- (4) admitting it will best serve the purposes of these rules and the interests of justice.

Each of the four factors applies here.

First, Mr. Rodriguez’s statements have equivalent circumstantial guarantees of trustworthiness. The “determination of equivalent trustworthiness is completely fact driven.” *Brookover v. Mary Hitchcock Mem’l Hosp.*, 893 F.2d 411, 420 (1st Cir. 1990). Here, the facts make clear that Mr. Rodriguez’s statements were trustworthy. As someone who was inside the Palm Beach mansion, he would have had every reason to minimize any illegal activities going on there. Indeed, to the extent that he was acknowledging sexual abuse of children, Mr. Rodriguez was making a statement against penal interest because of the duty to report such abuse. It is also relevant that he gave his statements under oath and was cross-examined by Epstein’s attorney, who had a quite similar motive to Defendant’s (as explained *supra*). All of these facts give Mr. Rodriguez’s statements equivalent guarantees of trustworthiness.

Second, Mr. Rodriguez’s statements are being offered as evidence of material facts. For example, one of the important issues in this case concerns whether Defendant was involved with child pornography or photographs of girls. Mr. Rodriguez’s testimony will explain that he saw



such pictures on Defendant's computer. *See* McCawley Dec. at Exhibit 3, Rodriguez Dep. Tr. at 321-22, 371-73. Another important issue is Defendant's involvement in the arranging for the girls to come to Epstein's mansion for provide sexual massages. Here again, Mr. Rodriguez's deposition provides direct testimony regarding Defendant's involvement. *See id.* at 302-03, 366-69.

Third, Mr. Rodriguez's testimony is more probative on the points for which it is offered than any other evidence that Ms. Giuffre can obtain through reasonable efforts. As the Court is aware, Ms. Giuffre has alleged that she was a victim of a sex trafficking organization run by Epstein, with the assistance of Defendant. Ms. Giuffre has attempted to secure testimony from persons in the organization, starting with Epstein. He took the Fifth on all substantive questions. Then Defendant suffered from convenient memory lapses about critical events and times. Moving down one more echelon in the organization, Ms. Giuffre took the depositions of Sarah Kellan and Nadia Marcinkova. Again, they both took the Fifth on all substantive questions. In stark contrast, Mr. Rodriguez was more than willing to testify. He had a regular job inside Epstein's Palm Beach mansion and is thus able to provide testimony about what was occurring there during the critical 2005 time period, when girls who were later interviewed by the Palm Beach Police Department were brought there by Defendant to provide sexual massages for Epstein. Ms. Giuffre has diligently sought out other witnesses, but no other witnesses she can call can provide the testimony that Mr. Rodriguez will provide.

Finally, admitting Mr. Rodriguez's testimony will best serve the purposes of these rules and the interests of justice. The purposes of the Rules of Evidence prominently include "ascertaining the truth and securing a just result." Fed. R. Evid. 102. This Court is well aware of the bitter roadblocks that Defendant has been throwing out to impede testimony about what was

going on inside the Epstein mansion while she lived there. If Mr. Rodriguez had not passed away a few years ago, he would have been deposed in this case and presented as a witness to the jury. The happenstance of his death should not deprive Ms. Giuffre of the opportunity to allow the jury hear what he has to say.

The residual hearsay rule also concerns procedural requirements of prior notice. Ms. Giuffre has already alerted Defendant of her intent to use this testimony and has provided formal notice that complies with the rule. *See* Ms. Giuffre's Notice of Intent to Offer Statements Under, if Necessary, the Residual Hearsay Clause (DE 601) filed Feb. 9, 2017.

Accordingly, both the substantive and procedural requirements for admitting excerpts of Mr. Rodriguez's deposition have been satisfied, and the excerpts should be presented to the jury.

### **CONCLUSION**

For all of the foregoing reasons, Ms. Giuffre respectfully requests that the Court deny Defendant's motion in limine to exclude *in toto* deposition testimony from certain witnesses, except that Ms. Giuffre intends to present Jeffrey Epstein and Rinaldo Rizzo via live testimony. Similarly, if Defendant calls Dr. Esplin, Ms. Giuffre will present his testimony via cross-examination.

Dated: February 10, 2017

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 10th day of February, 2017, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on the individuals identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

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/s/ Sigrid S. McCawley  
Sigrid S. McCawley

United States District Court  
Southern District of New York

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_/

**DECLARATION OF SIGRID MCCAWLEY IN SUPPORT OF  
PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION IN LIMINE  
TO EXCLUDE IN TOTO CERTAIN DEPOSITIONS DESIGNATED BY PLAINTIFF  
FOR USE AT TRIAL**

I, Sigrid McCawley, declare that the below is true and correct to the best of my knowledge as follows:

1. I am a Partner with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's Order granting my Application to Appear Pro Hac Vice.

2. I respectfully submit this Declaration in Support of Plaintiff's Response in Opposition to Defendant's Motion in Limine to Exclude in Toto Certain Deposition Designated by Plaintiff for Use at Trial.

3. Attached hereto as Sealed Exhibit 1 is a true and correct copy of February 9, 2017, Correspondence from Jack Goldberger.

4. Attached hereto as Sealed Exhibit 2 is a true and correct copy of February 8, 2017, Affidavit of Anna Intriago.

5. Attached hereto as Sealed Exhibit 3 is a true and correct copy of Excerpt from August 8, 2009, Deposition of Alfredo Rodriguez.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Sigrid McCawley  
Sigrid McCawley, Esq.

Dated: February 10, 2017.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Sigrid McCawley

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**I HEREBY CERTIFY** that on the 10th day of February, 2017, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Sigrid McCawley  
Sigrid McCawley

# EXHIBIT 3

## (File Under Seal)

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA

3 JANE DOE NO. 2, CASE NO: 08-CV-80119  
4 Plaintiff,  
5 Vs.

6 JEFFREY EPSTEIN,  
7 Defendant.

8 JANE DOE NO. 3, CASE NO: 08-CV-80232  
9 Plaintiff,  
10 Vs.

**CONDENSED**

11 JEFFREY EPSTEIN,  
12 Defendant.

13 \_\_\_\_\_/  
14 JANE DOE NO. 4, CASE NO: 08-CV-80380  
15 Plaintiff,  
16 Vs.

17 JEFFREY EPSTEIN,  
18 Defendant.

19 \_\_\_\_\_/  
20 JANE DOE NO. 5, CASE NO: 08-CV-80381  
21 Plaintiff,

22 Vs  
23 JEFFREY EPSTEIN,  
24 Defendant.

25 \_\_\_\_\_/

Kress Court Reporting, Inc. 305-866-7688  
7115 Rue Notre Dame, Miami Beach, FL 33141

NON PARTY (VR) 000315

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| <p style="text-align: right;">Page 271</p> <p>1 JANE DOE NO. 6, CASE NO: 08-CV-80994<br/> 2 Plaintiff,<br/> 3 Vs.<br/> 4 JEFFREY EPSTEIN,<br/> 5 Defendant.</p> <hr/> <p>6 JANE DOE NO. 7, CASE NO: 08-CV-80993<br/> 7 Plaintiff,<br/> 8 Vs.<br/> 9 JEFFREY EPSTEIN,<br/> 10 Defendant.</p> <hr/> <p>11 C.M.A., CASE NO: 08-CV-80811<br/> 12 Plaintiff,<br/> 13 Vs.<br/> 14 JEFFREY EPSTEIN,<br/> 15 Defendant.</p> <hr/> <p>16 JANE DOE, CASE NO: 08-CV-80893<br/> 17 Plaintiff,<br/> 18 Vs.<br/> 19 JEFFREY EPSTEIN,<br/> 20 Defendant.</p> <hr/> <p>21<br/> 22<br/> 23<br/> 24<br/> 25</p> | <p style="text-align: right;">Page 273</p> <p>1 IN THE CIRCUIT COURT OF THE 15TH<br/> 2 JUDICIAL CIRCUIT IN AND FOR<br/> 3 PALM BEACH COUNTY, FLORIDA<br/> 4 CASE NO. 502008CA037319XXXXMB AB</p> <p>5 B.B.,<br/> 6 Plaintiff,<br/> 7 Vs.<br/> 8 JEFFREY EPSTEIN.<br/> 9 Defendant.</p> <hr/> <p>10<br/> 11<br/> 12 1031 Ives Dairy Road<br/> 13 Suite 228<br/> 14 North Miami, Florida<br/> 15 August 7, 2009<br/> 16 1:15 p.m. to 5:30 p.m.</p> <p>17 CONTINUED<br/> 18 VIDEOTAPED<br/> 19 DEPOSITION<br/> 20 of<br/> 21 ALFREDO RODRIGUEZ</p> <p>22 taken on behalf of the Plaintiffs pursuant<br/> 23 to a Re-Notice of Taking Continued Videotaped<br/> 24 Deposition (Duces Tecum)<br/> 25 - - -</p>                                                                                                                                                                                                                                         |
| <p style="text-align: right;">Page 272</p> <p>1 JANE DOE NO. II, CASE NO: 08-CV-80469<br/> 2 Plaintiff,<br/> 3 Vs.<br/> 4 JEFFREY EPSTEIN,<br/> 5 Defendant.</p> <hr/> <p>6 JANE DOE NO. 101 CASE NO: 08-CV-80591<br/> 7 Plaintiff,<br/> 8 Vs.<br/> 9 JEFFREY EPSTEIN,<br/> 10 Defendant.</p> <hr/> <p>11 JANE DOE NO. 102, CASE NO: 08-CV-80656<br/> 12 Plaintiff,<br/> 13 Vs.<br/> 14 JEFFREY EPSTEIN,<br/> 15 Defendant.</p> <hr/> <p>16<br/> 17<br/> 18<br/> 19<br/> 20<br/> 21<br/> 22<br/> 23<br/> 24<br/> 25</p>                                                                       | <p style="text-align: right;">Page 274</p> <p>1 APPEARANCES:<br/> 2<br/> 3 MERMELSTEIN &amp; HOROWITZ, P.A.<br/> 4 BY: ADAM HOROWITZ, ESQ.<br/> 5 18205 Biscayne Boulevard<br/> 6 Suite 2218<br/> 7 Miami, Florida 33160<br/> 8 Attorney for Jane Doe 2, 3, 4, 5,<br/> 9 6, and 7.</p> <p>10 ROTHSTEIN ROSENFELDT ADLER<br/> 11 BY: BRAD J. EDWARDS, ESQ., and<br/> 12 CARA HOLMES, ESQ.<br/> 13 Las Olas City Centre<br/> 14 Suite 1650<br/> 15 401 East Las Olas Boulevard<br/> 16 Fort Lauderdale, Florida 33301<br/> 17 Attorney for Jane Doe and E.W.<br/> 18 And L.M.</p> <p>19 PODHURST ORSECK<br/> 20 BY: KATHERINE W. EZELL, ESQ.<br/> 21 25 West Flagler Street<br/> 22 Suite 800<br/> 23 Miami, Florida 33130<br/> 24 Attorney for Jane Doe 101 and 102.</p> <p>25 LEOPOLD-KUVIN<br/> 26 BY: ADAM J. LANGINO, ESQ.<br/> 27 2925 PGA Boulevard<br/> 28 Suite 200<br/> 29 Palm Beach Gardens, Florida 33410<br/> 30 Attorney for B.B.</p> |

2 (Pages 271 to 274)

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 299</p> <p>1 A. I don't remember, Ma'am. He came from<br/>2 New Albany, Ohio.<br/>3 Q. From New --<br/>4 A. New Albany, Ohio.<br/>5 Q. New Albany, Ohio. Did he have his own<br/>6 business?<br/>7 A. No, he worked for Mr. Epstein. He will<br/>8 maintain all the computers.<br/>9 Q. Was he there everyday?<br/>10 A. No, ma'am.<br/>11 Q. Do you know whether at that time Mr.<br/>12 Epstein had an office in Palm Beach?<br/>13 A. Not outside the house, no.<br/>14 Q. Do you have any knowledge of whether or<br/>15 not the video equipment was -- and I don't know<br/>16 the technical term, forgive me, but was it the<br/>17 kind of equipment that would record for a certain<br/>18 amount of time and then record over that film?<br/>19 A. I don't know.<br/>20 MR. CRITTON: Form.<br/>21 BY MS. EZELL:<br/>22 Q. You don't know?<br/>23 A. No, ma'am.<br/>24 MR. CRITTON: Just for clarification, I<br/>25 may have misunderstood, but I thought he</p> | <p style="text-align: right;">Page 301</p> <p>1 video, even phones.<br/>2 Q. Would he also repair the televisions if<br/>3 they needed work?<br/>4 A. No.<br/>5 Q. No. Did you have any kind of intercom<br/>6 system in the house?<br/>7 A. Yes, ma'am.<br/>8 Q. And what kind of system was that?<br/>9 A. It was standard office equipment, Lucid<br/>10 Technologies maybe, but it was an intercom like we<br/>11 using right now.<br/>12 MS. EZELL: Just let the record reflect<br/>13 that the witness pointed to the telephone on<br/>14 the table that has a speaker phone.<br/>15 THE WITNESS: Yes, ma'am.<br/>16 BY MS. EZELL:<br/>17 Q. And did you use that in your work?<br/>18 A. Yes, ma'am.<br/>19 Q. And what did you use it for?<br/>20 A. Mr. Epstein used to page me when he<br/>21 needed me.<br/>22 Q. Did you have one of those phones in the<br/>23 kitchen?<br/>24 A. Yes, ma'am.<br/>25 Q. And was there one out in the staff house</p> |
| <p style="text-align: right;">Page 300</p> <p>1 said he didn't even know the video equipment<br/>2 existed until he read the FBI report.<br/>3 MS. EZELL: He said he didn't know that<br/>4 it was upstairs and downstairs, I believe.<br/>5 MR. CRITTON: I thought he said he didn't<br/>6 know that it even existed.<br/>7 MS. EZELL: I may be wrong.<br/>8 BY MS. EZELL:<br/>9 Q. Did you know it existed before you read<br/>10 the FBI report?<br/>11 A. No, ma'am.<br/>12 Q. I'm sorry, then I was wrong.<br/>13 How did you know then that the young<br/>14 technician from Ohio maintained the computers and<br/>15 the video equipment?<br/>16 A. Because we used to request -- there were</p>                                                                                                                                                                                                                                                                                                      | <p style="text-align: right;">Page 302</p> <p>1 as well?<br/>2 A. Yes, ma'am.<br/>3 Q. Do you know where others were in the<br/>4 house?<br/>5 A. Probably have like 15 phones. We used to<br/>6 have three in the staff house, one in the cabana,<br/>7 two in the master bedroom, one in each room,<br/>8 kitchen, dining room, Mrs. Maxwell's office, the<br/>9 garage.<br/>10 Q. Where was Mrs. Maxwell's office?<br/>11 A. Under the stairs next to the kitchen.<br/>12 Q. Can you give me some idea of what size<br/>13 space that was?<br/>14 A. It was probably -- we change the floor.<br/>15 Twelve by five, something like that.<br/>16 Q. And was the computer equipment in that</p>                                                                                                                                                                                                                                                                  |
| <p>17 always problems with the computers so he came to<br/>18 the house and he was the programmer. It was very<br/>19 sophisticated.<br/>20 MR. CRITTON: Form to the last question,<br/>21 move to strike the answer as nonresponsive.<br/>22 BY MS. EZELL:<br/>23 Q. How did you know then that he maintained<br/>24 the video equipment as well?<br/>25 A. Because he was in charge of computers,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>17 space?<br/>18 A. Yes, ma'am.<br/>19 Q. Do you know whether Ms. Maxwell kept the<br/>20 names and telephone numbers of the girls who came<br/>21 to do massages?<br/>22 A. Yes, ma'am.<br/>23 MR. CRITTON: Form.<br/>24 BY MS. EZELL:<br/>25 Q. Do you know that because you saw the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

9 (Pages 299 to 302)



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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 303</p> <p>1 names and phone numbers?</p> <p>2 MR. CRITTON: Form.</p> <p>3 THE WITNESS: Yes, ma'am.</p> <p>4 BY MS. EZELL:</p> <p>5 Q. Do you know if she kept pictures of the</p> <p>6 girls on the computer?</p> <p>7 A. Yes, she did.</p> <p>8 Q. And you know that as well because you</p> <p>9 happen to see them?</p> <p>10 A. Yes, ma'am.</p> <p>11 MR. CRITTON: Form to the last two</p> <p>12 questions.</p> <p>13 BY MS. EZELL:</p> <p>14 Q. Were they similar to the pictures that</p> <p>15 Ms. Kellen had on her computer?</p> <p>16 MR. CRITTON: Form.</p> <p>17 THE WITNESS: Yes, ma'am.</p> <p>18 BY MS. EZELL:</p> <p>19 Q. Did the pictures that they kept there</p> <p>20 look like pictures that were posed?</p> <p>21 A. They were more casual.</p> <p>22 Q. Did they look as though the person being</p> <p>23 photographed knew that they were being</p> <p>24 photographed?</p> <p>25 MR. CRITTON: Form.</p> | <p style="text-align: right;">Page 305</p> <p>1 computer?</p> <p>2 MR. CRITTON: Form.</p> <p>3 THE WITNESS: Yes, ma'am.</p> <p>4 BY MS. EZELL:</p> <p>5 Q. And did she generally have phone numbers</p> <p>6 for those girls?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. And were they generally pictures of the</p> <p>9 girls?</p> <p>10 MR. CRITTON: Form.</p> <p>11 THE WITNESS: No, ma'am.</p> <p>12 BY MS. EZELL:</p> <p>13 Q. And did Ms. Maxwell have a list of the</p> <p>14 girls who came to give massages?</p> <p>15 MR. CRITTON: Form.</p> <p>16 THE WITNESS: Yes, ma'am.</p> <p>17 BY MS. EZELL:</p> <p>18 Q. Did she have telephone numbers generally?</p> <p>19 A. Yes, ma'am.</p> <p>20 MR. CRITTON: Form.</p> <p>21 BY MS. EZELL:</p> <p>22 Q. Were there pictures on her computer of</p> <p>23 the girls who came to give massages?</p> <p>24 MR. CRITTON: Form.</p> <p>25 BY MS. EZELL:</p> |
| <p style="text-align: right;">Page 304</p> <p>1 THE WITNESS: No, ma'am.</p> <p>2 BY MS. EZELL:</p> <p>3 Q. And what can you tell me about that, what</p> <p>4 lead you to draw that conclusion?</p> <p>5 A. They were probably taken in parties in</p> <p>6 big reception or banquet.</p> <p>7 MR. CRITTON: Let me offer as a</p> <p>8 suggestion, not that you have to accept or</p> <p>9 that you would, you're using the term young</p> <p>10 girls generically, he has probably seen</p> <p>11 many, many young girls, there was no --</p> <p>12 you've used it interchangeably with just</p> <p>13 young girls versus young girls who may have</p> <p>14 come to -- purported to give a massage and,</p> <p>15 therefore, that may be a different answer,</p> <p>16 so that's part of my form objection.</p> <p>17 MS. EZELL: Okay, thank you.</p>                                                                                                                 | <p style="text-align: right;">Page 306</p> <p>1 Q. Ms. Maxwell I'm talking about.</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. And were those pictures the more casual</p> <p>4 ones that you described when I asked whether or</p> <p>5 not the subject looked as though she knew she was</p> <p>6 being photographed?</p> <p>7 MR. CRITTON: Form.</p> <p>8 THE WITNESS: I'm sorry, can you repeat?</p> <p>9 BY MS. EZELL:</p> <p>10 Q. Yeah. The pictures of the young girls</p> <p>11 who came to the house to give massages that were</p> <p>12 on Ms. Maxwell's computer, did they appear to have</p> <p>13 been taken when the girls knew they were being</p> <p>14 photographed?</p> <p>15 MR. CRITTON: Form.</p> <p>16 THE WITNESS: I don't think they knew</p> <p>17 they were being photographed.</p>                                                                                                   |
| <p>18 BY MS. EZELL:</p> <p>19 Q. When I asked you about Ms. Kellen whether</p> <p>20 she had a list of the girls and telephone numbers,</p> <p>21 I think I asked about those girls that came to</p> <p>22 give massages, but let me go back and just ask it</p> <p>23 that way.</p> <p>24 Did you notice that Ms. Kellen had a list</p> <p>25 of the girls that came to give massages on her</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>18 BY MS. EZELL:</p> <p>19 Q. I believe you said they were more casual</p> <p>20 pictures.</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Did you notice any nude photographs in</p> <p>23 those pictures?</p> <p>24 A. Yes, ma'am.</p> <p>25 MR. CRITTON: Form for the last question.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

10 (Pages 303 to 306)

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| <p style="text-align: right;">Page 335</p> <p>1 Q. Do you remember whether she came to the</p> <p>2 house on more than one occasion?</p> <p>3 A. I heard her name several times from</p> <p>4 Sarah, sir, but beyond that I cannot say anything</p> <p>5 else.</p> <p>6 Q. Okay. Who have you talked to about your</p> <p>7 knowledge of Mr. Epstein in the last year?</p> <p>8 A. My wife.</p> <p>9 Q. Anyone else?</p> <p>10 A. No, sir.</p> <p>11 Q. Well, you talked to Mr. Critton.</p> <p>12 A. We have a conversation in West Palm</p> <p>13 Beach.</p> <p>14 Q. Yes. So you talked to your wife, you</p> <p>15 talked to Mr. Critton?</p> <p>16 A. Yes.</p> <p>17 Q. Had you talked to anyone else in the last</p> <p>18 year about Epstein?</p> <p>19 A. No.</p> <p>20 Q. Did you talk to Mr. Goldberger?</p> <p>21 A. Yeah, I called Mr. Goldberger first</p> <p>22 before I talked to Mr. Critton.</p> <p>23 Q. Okay. So we have your wife, we have Mr.</p> <p>24 Critton, and we have Mr. Goldberger.</p> <p>25 Do we have anyone else that you talked to</p> | <p style="text-align: right;">Page 337</p> <p>1 A. I give him a list of notes that I used to</p> <p>2 take from frequent people -- I mean, people who</p> <p>3 used to frequent the house and -- I'm sorry, it's</p> <p>4 been a few years, I don't remember, but it was</p> <p>5 those years, like it was a file with my personal</p> <p>6 notes because he told me it was very important and</p> <p>7 he kind of said can I borrow this from you, and he</p> <p>8 still has those documents, sir.</p> <p>9 Q. So even though they pertain to Mr.</p> <p>10 Epstein you kept those notes at your residence?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. Where in your residence did you</p> <p>13 keep those notes before you gave them to the</p> <p>14 Detective?</p> <p>15 A. In my bedroom.</p> <p>16 Q. Did you have a file cabinet or --</p> <p>17 A. No.</p> <p>18 Q. -- chester drawers or something?</p> <p>19 A. No, they were laying next to some other</p> <p>20 papers that I have.</p> <p>21 Q. Did the other papers pertain to Mr.</p> <p>22 Epstein?</p> <p>23 A. No, no, nothing else related to Mr.</p> <p>24 Epstein.</p> <p>25 Q. I'm just confused as to why you told us</p> |
| <p style="text-align: right;">Page 336</p> <p>1 in the last year?</p> <p>2 A. No, sir.</p> <p>3 Q. How about Mr. Epstein of course?</p> <p>4 A. No.</p> <p>5 Q. Where did you usually keep the journal</p> <p>6 with the names of the girls, in what part of the</p> <p>7 house?</p> <p>8 A. In the staff house.</p> <p>9 Q. Sorry?</p> <p>10 A. The staff house, the guest house.</p> <p>11 Q. Right. But you said you had a journal at</p> <p>12 your own residence with the names of the girls.</p> <p>13 A. I give the whole journal and all the</p> <p>14 information regarding this case, sir, to Detective</p> <p>15 Joe Recarey, sir.</p> <p>16 Q. Okay. And the materials that you gave to</p>                                                                                                                                                                                                                                                                                                                                                                   | <p style="text-align: right;">Page 338</p> <p>1 before that you had a journal at home and today</p> <p>2 you say that you gave everything to the Detective.</p> <p>3 MR. CRITTON: Form. You also may have</p> <p>4 missed a portion of his earlier testimony if</p> <p>5 you couldn't hear something, but go ahead.</p> <p>6 MR. WILLITS: Most likely.</p> <p>7 THE WITNESS: What I said was I thought I</p> <p>8 had some information, and then I look with</p> <p>9 my daughter and we couldn't find anything,</p> <p>10 and I remember now that I put everything in</p> <p>11 the file that I give to Detective Recarey.</p> <p>12 BY MR. WILLITS:</p> <p>13 Q. Did anyone help you assemble those papers</p> <p>14 to give to the Detective?</p> <p>15 A. No, sir.</p> <p>16 MR. WILLITS: I don't have any other</p>                                                                                                                                                                                                                                                                                                                                                                         |
| <p>17 the Detective, were they kept -- were any of them</p> <p>18 kept at your own personal residence?</p> <p>19 A. Yes, they were with me, sir.</p> <p>20 Q. Okay. When you gave the materials to the</p> <p>21 Detective, did all of the materials you gave to</p> <p>22 him come from your residence?</p> <p>23 A. Yes.</p> <p>24 Q. Do you remember exactly what you gave to</p> <p>25 him?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>17 questions.</p> <p>18 CROSS EXAMINATION</p> <p>19 BY MR. CRITTON:</p> <p>20 Q. Mr. Rodriguez, my name is Bob Critton and</p> <p>21 I represent Mr. Epstein as you're aware, I have a</p> <p>22 few questions for you.</p> <p>23 What I would like to remind you at the</p> <p>24 start of this is if you know something, tell us,</p> <p>25 if you don't know something tell us that.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

18 (Pages 335 to 338)

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| <p style="text-align: right;">Page 339</p> <p>1 You're not required to speculate, you're<br/> 2 not required to guess, you're not required to<br/> 3 assume because some lawyers ask you a leading<br/> 4 question or suggested in a report or like the<br/> 5 police report like Mr. Mermelstein and Mr. Edwards<br/> 6 did, that did you tell the police officers X, Y,<br/> 7 or Z without showing you the statement. You're<br/> 8 not required to guess, I want personal knowledge,<br/> 9 not speculation. Do you understand?<br/> 10 A. Yes, I do.<br/> 11 Q. All right. Now, when Mr. Edwards and --<br/> 12 Mr. Horowitz is here today for Mr. Mermelstein,<br/> 13 but you remember a lawyer asked you some questions<br/> 14 last time you were here?<br/> 15 A. Yes.<br/> 16 Q. That is he started and he went on for a<br/> 17 few hours. Do you recall that?<br/> 18 A. Yes, I remember.<br/> 19 Q. He asked you do you remember telling the<br/> 20 police officer Y, X, or Z.<br/> 21 Do you remember that? Do you remember<br/> 22 that's how he phrased his question?<br/> 23 A. Yes, yes.<br/> 24 Q. He never showed you a statement that you<br/> 25 made to the police department; did he?</p> | <p style="text-align: right;">Page 341</p> <p>1 marked up, no, you can't.<br/> 2 MR. CRITTON: I just want to show him.<br/> 3 Thank you, Cathy.<br/> 4 BY MR. CRITTON:<br/> 5 Q. This is the first what Ms. Ezell was kind<br/> 6 enough to provide is the first part of your<br/> 7 deposition, it was transcribed by the court<br/> 8 reporter and provided by all counsel.<br/> 9 Do you understand that?<br/> 10 A. Yes, I understand that.<br/> 11 Q. And no one has provided that to you yet<br/> 12 today; have they?<br/> 13 A. No.<br/> 14 Q. Now, I think you told us that with the<br/> 15 police officers you gave a taped statement.<br/> 16 Did I understand you correctly?<br/> 17 A. Yes.<br/> 18 Q. And the only conversation that you had<br/> 19 with the police officers, and it may have been a<br/> 20 state attorney, it was somebody named Ms. Weiss<br/> 21 who I think was referenced in the questions, the<br/> 22 only time that you talked with at least Officer<br/> 23 Recarey and the State Attorney's Office from Palm<br/> 24 Beach County was in a taped statement.<br/> 25 Is that correct?</p> |
| <p style="text-align: right;">Page 340</p> <p>1 A. I'm sorry?<br/> 2 Q. He didn't show you a document that said,<br/> 3 question, you know, what is your name; answer, my<br/> 4 name is Alfredo Rodriguez --<br/> 5 MR. WILLITS: Object to the form of the<br/> 6 question.<br/> 7 MR. CRITTON: You need to let me finish<br/> 8 it first.<br/> 9 MR. WILLITS: I'm sorry, I thought you<br/> 10 were.<br/> 11 BY MR. CRITTON:<br/> 12 Q. He never showed you a statement of what<br/> 13 the question was and the answer that you gave.<br/> 14 True?<br/> 15 MR. WILLITS: Object to the form of the<br/> 16 question.<br/> 17 THE WITNESS: I don't exactly understand<br/> 18 your question.<br/> 19 BY MR. CRITTON:<br/> 20 Q. Do you know what a deposition is?<br/> 21 A. Yes, I am.<br/> 22 Q. That's what you're doing here.<br/> 23 MR. CRITTON: Could I borrow your<br/> 24 deposition for just a minute?<br/> 25 MR. HOROWITZ: The transcript? It's</p>                                                                                                                                                                                                                                                   | <p style="text-align: right;">Page 342</p> <p>1 A. No.<br/> 2 Q. Did you talk with them separate and apart<br/> 3 from that?<br/> 4 A. Yes, I did.<br/> 5 Q. Okay. Did they tape that statement?<br/> 6 A. No.<br/> 7 Q. You told us you also spoke with<br/> 8 representatives of the FBI?<br/> 9 A. Yes.<br/> 10 Q. Okay. And you distinguished between the<br/> 11 FBI and between Officer Recarey?<br/> 12 A. Yes.<br/> 13 Q. So how many times did Officer Recarey, or<br/> 14 Detective Recarey, I think he's from the Palm<br/> 15 Beach Police Department speak with you?<br/> 16 A. Like three or four times.<br/> 17 Q. But he only took one statement?<br/> 18 A. One taped.<br/> 19 Q. I'm sorry, one taped statement?<br/> 20 A. Yes.<br/> 21 Q. All right. So as to whether or not if<br/> 22 you said something to Officer Recarey or not that<br/> 23 you would be able to confirm, that would only have<br/> 24 been in a taped statement, one taped statement out<br/> 25 of the three, approximately three times he spoke</p>                                                                                    |

19 (Pages 339 to 342)

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| <p style="text-align: right;">Page 343</p> <p>1 with you.</p> <p>2 MR. EDWARDS: Form.</p> <p>3 MR. HOROWITZ: Form.</p> <p>4 BY MR. CRITTON:</p> <p>5 Q. Is that correct?</p> <p>6 A. Yes, correct.</p> <p>7 MR. WILLITS: Object to the form.</p> <p>8 MR. HOROWITZ: Join.</p> <p>9 BY MR. CRITTON:</p> <p>10 Q. And when we were here, I think it was</p> <p>11 last week or the last ten days anyway -- I could</p> <p>12 tell you. On July 29th of this year, and Mr.</p> <p>13 Mermelstein started with your deposition and then</p> <p>14 others asked questions, when Mr. Mermelstein and I</p> <p>15 think Mr. Edwards asked questions about did you</p> <p>16 tell Officer Recarey X, Y, or Z, they didn't show</p> <p>17 you a statement, they didn't give you like a</p> <p>18 transcript like this and say see what the question</p> <p>19 and see what the answer is?</p> <p>20 A. No.</p> <p>21 MR. EDWARDS: Form.</p> <p>22 MR. WILLITS: Object to the form of the</p> <p>23 question.</p> <p>24 BY MR. CRITTON:</p> <p>25 Q. And you haven't had an opportunity to see</p>   | <p style="text-align: right;">Page 345</p> <p>1 Q. When Officer Recarey took -- spoke with</p> <p>2 you on those approximately two times when he did</p> <p>3 not take a taped statement, did he ever present</p> <p>4 anything for you, anything in writing that he had</p> <p>5 written to say, Mr. Rodriguez, I would like you to</p> <p>6 review this to make certain that I took down</p> <p>7 correctly what you said?</p> <p>8 A. No, sir.</p> <p>9 Q. If he had offered to do that would you</p> <p>10 have read what he wrote down to determine whether</p> <p>11 or not he took down that which you had said or</p> <p>12 told him?</p> <p>13 MR. EDWARDS: Object to the form.</p> <p>14 THE WITNESS: Probably I will read it</p> <p>15 first.</p> <p>16 BY MR. CRITTON:</p> <p>17 Q. All right. And if in fact he had</p> <p>18 recorded something incorrectly or recorded in a</p> <p>19 particular way that he wanted it phrased and it</p> <p>20 was not accurate, would you have told him that?</p> <p>21 MR. EDWARDS: Object to the form.</p> <p>22 THE WITNESS: No, I never told him that.</p> <p>23 BY MR. CRITTON:</p> <p>24 Q. Listen to my question.</p> <p>25 If he, Officer Recarey, had taken down</p> |
| <p style="text-align: right;">Page 344</p> <p>1 your taped statement since you gave it many years</p> <p>2 ago?</p> <p>3 A. No, sir.</p> <p>4 Q. Would you agree that your taped statement</p> <p>5 would probably be a little more accurate than your</p> <p>6 testimony today because of the time period that</p> <p>7 has transpired?</p> <p>8 A. That's correct.</p> <p>9 MR. HOROWITZ: Object to the form.</p> <p>10 MR. WILLITS: Object to the form of the</p> <p>11 question.</p> <p>12 BY MR. CRITTON:</p> <p>13 Q. When you spoke with the FBI over at</p> <p>14 Greens -- I think it was Greens Pharmacy?</p> <p>15 A. Yes.</p> <p>16 Q. Did they take a statement from you, that</p> <p>17 is, did they have a tape recorder or did they just</p> <p>18 make notes?</p> <p>19 A. They took notes.</p> <p>20 Q. All right. Did you sign anything?</p> <p>21 A. No, sir.</p> <p>22 Q. That is like did they take notes of what</p> <p>23 you said and then you signed it to say yep, that</p> <p>24 accurately reflects what I said?</p> <p>25 A. No, I didn't sign anything.</p> | <p style="text-align: right;">Page 346</p> <p>1 what you said and it was not accurate, that is, he</p> <p>2 put his interpretation of what you said, would you</p> <p>3 have told him that's not accurate, Officer</p> <p>4 Recarey?</p> <p>5 MR. HOROWITZ: Form.</p> <p>6 MR. EDWARDS: Object to the form.</p> <p>7 THE WITNESS: I will tell him.</p> <p>8 MR. CRITTON: Go ahead and change. We're</p> <p>9 going to change the tape. We do have time.</p> <p>10 Cathy, could I borrow back the</p> <p>11 photographs, please?</p> <p>12 While you're giving me those back, would</p> <p>13 it be correct that you're going to keep --</p> <p>14 you took as you did with photograph</p> <p>15 number four you took back five, six, seven,</p> <p>16 and eight, and you're going to keep those</p> <p>17 and not allow me or anyone else to have a</p> <p>18 copy of them?</p> <p>19 MS. EZELL: Yes.</p> <p>20 MR. CRITTON: You're going to be equally</p> <p>21 restrictive; right?</p> <p>22 MS. EZELL: Right.</p> <p>23 MR. CRITTON: All right. Thank you.</p> <p>24 BY MR. CRITTON:</p> <p>25 Q. You were shown photograph five of a lady,</p>                                                                            |

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| <p style="text-align: right;">Page 347</p> <p>1 F.E., and I think you told us that you had seen<br/>2 her, you recognized her photograph.<br/>3 A. Yes, I did.<br/>4 Q. On how many occasions did you ever see<br/>5 her at the Epstein home?<br/>6 A. More than three times.<br/>7 Q. More than three?<br/>8 A. Yes, sir.<br/>9 Q. That's as accurate as you can be?<br/>10 A. Yes.<br/>11 Q. More than three?<br/>12 A. More than three.<br/>13 Q. Whether it was four or five you don't<br/>14 know, but more than three?<br/>15 A. More than three, sir.<br/>16 Q. In terms of F.E.'s age, did you ever ask<br/>17 her what her age was?<br/>18 A. No, sir.<br/>19 Q. Did she appear to you to be someone at<br/>20 least from seeing her and recalling her that she<br/>21 appeared at least to you to be while a young woman<br/>22 appeared to be someone who was 18 or older?<br/>23 A. No, sir.<br/>24 Q. Okay. Well, did you ever say anything to<br/>25 the police or did you ever -- were you ever</p> | <p style="text-align: right;">Page 349</p> <p>1 Q. I'm sorry?<br/>2 A. Yes, I did, I told the police.<br/>3 Q. And at the time that you spoke with the<br/>4 police and gave them a statement, isn't it true,<br/>5 Mr. Rodriguez, that you were no longer employed by<br/>6 Mr. Epstein?<br/>7 A. Yes.<br/>8 Q. And you understood that you were required<br/>9 to tell the police officers the truth at that<br/>10 time?<br/>11 A. Yes.<br/>12 Q. And if I understood your testimony I<br/>13 believe from July 29th through today, you at no<br/>14 time asked any of these girls how old they were.<br/>15 True?<br/>16 A. No.<br/>17 Q. And as to whether the girls were under 18<br/>18 or 18 or over 18, you really didn't know one way<br/>19 or the other at the time. Would that be a fair<br/>20 statement?<br/>21 A. Yes.<br/>22 MR. WILLITS: Object to the form of the<br/>23 question.<br/>24 BY MR. CRITTON:<br/>25 Q. On Exhibit 6 there is a person who's</p> |
| <p style="text-align: right;">Page 348</p> <p>1 concerned about that such that you told someone?<br/>2 A. No, sir.<br/>3 Q. Haven't you told the police, sir -- let<br/>4 me strike that, let me ask it this way.<br/>5 In your taped statement that you gave to<br/>6 the police did you not tell them that all of the<br/>7 girls appeared to you to be 18 or above?<br/>8 A. Sir, as far as when all these actions<br/>9 that were taking place I was under an environment<br/>10 that I thought I was going to be -- in other<br/>11 words, I was afraid of any reprisal Mr. Epstein<br/>12 and Mrs. Maxwell if I say something that is any<br/>13 idea of me because I have this confidentiality<br/>14 agreement. What I saw that they were very young,<br/>15 but I cannot say that they were 18 and old.<br/>16 Q. Right. Let me just take you back to my</p>                                                                                                                                              | <p style="text-align: right;">Page 350</p> <p>1 covered, the lady that Ms. Ezell asked you about I<br/>2 believe was on the right-hand side of the<br/>3 photograph. There is a young lady on the<br/>4 left-hand side with a black hat on.<br/>5 Do you recognize her at all?<br/>6 A. No, I don't recognize her.<br/>7 Q. Okay. Thank you. With regard to the<br/>8 photograph four that you saw that you think<br/>9 possibly might be [REDACTED] I think you told us that<br/>10 you recall seeing that woman in the sauna at Mr.<br/>11 Epstein's house on one occasion and she was naked.<br/>12 A. Yes.<br/>13 Q. Was that near the end of your employment<br/>14 or the middle or the front end?<br/>15 A. I saw her on January 2005, sir, and I was<br/>16 terminated in March, so that was two months prior.</p>                                                                                                                                                      |
| <p>17 question again and see if you can answer my<br/>18 question.<br/>19 MR. CRITTON: Could you please read it<br/>20 back?<br/>21 (Thereupon, a portion of the record was<br/>22 read by the reporter.)<br/>23 THE WITNESS: I think I told the police<br/>24 that.<br/>25 BY MR. CRITTON:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>17 Q. And did you ever tell anyone that you had<br/>18 seen her naked in the sauna?<br/>19 A. I told Louella.<br/>20 Q. Okay. And what did Louella say?<br/>21 A. She was surprised.<br/>22 Q. Okay. Did you wake the young lady up in<br/>23 the sauna?<br/>24 A. No.<br/>25 Q. And do you know how old the young lady</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

21 (Pages 347 to 350)

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| <p style="text-align: right;">Page 351</p> <p>1 was at that time?</p> <p>2 A. No, I didn't know.</p> <p>3 Q. If I was to tell you she was born in</p> <p>4 December of '86 which would have made her 18 at</p> <p>5 the time, and you would say, not surprised?</p> <p>6 MS. EZELL: Objection, form.</p> <p>7 MR. WILLITS: Object to the form of the</p> <p>8 question.</p> <p>9 MR. HOROWITZ: Join.</p> <p>10 THE WITNESS: I would say I wouldn't</p> <p>11 know.</p> <p>12 BY MR. CRITTON:</p> <p>13 Q. Other than telling Louella did you say</p> <p>14 anything to anyone else when you saw [REDACTED], the</p> <p>15 lady you believe was [REDACTED] naked in the sauna?</p> <p>16 A. I believe I mentioned that to my wife.</p> <p>17 Q. All right. Anyone else?</p> <p>18 A. No.</p> <p>19 Q. And did [REDACTED] continue -- assuming it was</p> <p>20 [REDACTED], did she continue to sleep in the sauna, that</p> <p>21 is, she didn't know you were there?</p> <p>22 A. She never knew that I was there.</p> <p>23 Q. She didn't at least acknowledge that she</p> <p>24 knew. Correct?</p> <p>25 A. Yes, correct.</p> | <p style="text-align: right;">Page 353</p> <p>1 correct?</p> <p>2 A. I think so, sir.</p> <p>3 Q. All right. I assume that in over the</p> <p>4 course of your life separate and apart from your</p> <p>5 wife you've seen a naked woman before.</p> <p>6 A. Yes.</p> <p>7 Q. And I assume that in your 50 some odd</p> <p>8 years -- how old are you, sir?</p> <p>9 A. 55.</p> <p>10 Q. In your 55 years you've seen pictures of</p> <p>11 naked women both photographs, paintings, statues.</p> <p>12 Would that be a fair statement?</p> <p>13 A. Yes.</p> <p>14 Q. And in terms of at least in this</p> <p>15 particular case there is all sorts of -- as you</p> <p>16 know there is testimony, and you've been asked a</p> <p>17 number of questions about sex related issues, that</p> <p>18 is whether you saw in photographs or whether you</p> <p>19 saw anyone engaged in any type of sexual activity.</p> <p>20 Correct?</p> <p>21 A. Correct.</p> <p>22 Q. And I assume that you understand that men</p> <p>23 and women -- we'll start there first, that men and</p> <p>24 women actually do have sex in this world?</p> <p>25 A. Yes.</p> |
| <p style="text-align: right;">Page 352</p> <p>1 Q. You were asked by Ms. Ezell -- I'm just</p> <p>2 going to cover a couple of things as long as I'm</p> <p>3 staying with Cathy here -- whether Louella, you</p> <p>4 had told us something about the picture of the</p> <p>5 Pope near a picture of a naked person, naked</p> <p>6 woman. That's what Louella told you, you never</p> <p>7 saw those photos. Correct?</p> <p>8 A. I did see the pictures.</p> <p>9 Q. You did see the pictures?</p> <p>10 A. Yes.</p> <p>11 Q. And the photos that you saw of the naked</p> <p>12 woman that was near the Pope's photograph, was</p> <p>13 that someone that you knew or just a picture of a</p> <p>14 naked woman?</p> <p>15 A. It was somebody -- somebody that was a</p> <p>16 visitor in the house, but I don't know her name.</p>                                                                                                                                                                                                                                                                                         | <p style="text-align: right;">Page 354</p> <p>1 Q. That comes as no grand surprise to you?</p> <p>2 A. No.</p> <p>3 Q. And you understand that people actually</p> <p>4 enjoy sex from time to time?</p> <p>5 A. Yes.</p> <p>6 Q. Are you familiar with that concept at</p> <p>7 least?</p> <p>8 A. Yes.</p> <p>9 Q. All right. And what may be typical</p> <p>10 sexual activity for one man and woman, or whatever</p> <p>11 the permutation might be, another couple, or</p> <p>12 another man and woman, or another man or woman may</p> <p>13 consider to be unusual or overly aggressive.</p> <p>14 MS. EZELL: Objection to form.</p> <p>15 BY MR. CRITTON:</p> <p>16 Q. True?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>17 Q. And the visitors, that would have been</p> <p>18 one of the plane women, you described the women</p> <p>19 who came in on planes, or that they came with Mr.</p> <p>20 Epstein from time to time?</p> <p>21 A. They came with Mr. Epstein from time to</p> <p>22 time.</p> <p>23 Q. All right. And those are women that I</p> <p>24 think you testified at your last deposition all</p> <p>25 appeared to be in their 20's or older. Is that</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>17 A. It depends on your point of view.</p> <p>18 Q. That's what I mean. Everyone has a</p> <p>19 different point of view about sex and what may be</p> <p>20 considered typical sexual activity for someone,</p> <p>21 someone else may consider that's a bit</p> <p>22 adventurous?</p> <p>23 MR. EDWARDS: Object to the form.</p> <p>24 THE WITNESS: Yes.</p> <p>25 BY MR. CRITTON:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

22 (Pages 351 to 354)

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| <p style="text-align: right;">Page 355</p> <p>1 Q. I'm not trying to make you a sex expert.</p> <p>2 Also, I assume that when you've been in</p> <p>3 CVS or Walgreens, for that matter Publix or Winn</p> <p>4 Dixie I assume that you've -- I don't want to</p> <p>5 assume anything.</p> <p>6 Have you ever been in an aisle where</p> <p>7 you've actually seen condoms being sold?</p> <p>8 A. Yes.</p> <p>9 Q. And where lubricants are being sold?</p> <p>10 A. Yes.</p> <p>11 Q. And as well as massage oils and other</p> <p>12 types of oils actually are sold in those kinds of</p> <p>13 stores?</p> <p>14 A. Yes.</p> <p>15 Q. And they're available so that someone</p> <p>16 walking through Walgreens or Publix or CVS could</p> <p>17 actually take it off the shelf, put it in their</p> <p>18 cart, go up and pay for it and take it home?</p> <p>19 A. Yes.</p> <p>20 Q. All right. In the photographs that you</p> <p>21 talked about, and if I understood you correctly,</p> <p>22 at least during the time that you were there, Mr.</p> <p>23 Rodriguez, in '04 and '05 there were -- you said</p> <p>24 that there were -- I think you said downstairs --</p> <p>25 and I'm talking about really from the kitchen area</p> | <p style="text-align: right;">Page 357</p> <p>1 you say her name?</p> <p>2 A. Yes, her mother.</p> <p>3 Q. Okay. It's Eva's daughter, there was a</p> <p>4 picture where someone it looked like was pulling</p> <p>5 on their swimsuit?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall ever seeing the old</p> <p>8 Coppertone --</p> <p>9 A. Yes.</p> <p>10 Q. Let me ask the question. I know you know</p> <p>11 what this is.</p> <p>12 Have you ever seen the old Coppertone</p> <p>13 commercials and billboards that used to be</p> <p>14 plastered all over certainly Florida and other</p> <p>15 places where there is a cute little girl who</p> <p>16 appears to be two, three, four years old and</p> <p>17 someone is pulling down at least a portion of her</p> <p>18 swimsuit so she's exposing a small portion of her</p> <p>19 cheek is exposed?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Is that what the picture of the</p> <p>22 young girl looked like that is Mr. Epstein's God</p> <p>23 daughter?</p> <p>24 A. More or less, yes.</p> <p>25 Q. All right. And downstairs in the kitchen</p> |
| <p style="text-align: right;">Page 356</p> <p>1 up the back stairway, or what would be the kitchen</p> <p>2 stairway to the upper floor, there was I think you</p> <p>3 said, but correct me if I'm wrong, please, that</p> <p>4 you don't recall seeing there being any pictures</p> <p>5 or photographs of any nude women. Is that</p> <p>6 correct?</p> <p>7 A. They were not nude women in the</p> <p>8 staircase.</p> <p>9 Q. That's all I'm talking about right now.</p> <p>10 In that area you never saw any pictures, or</p> <p>11 photographs, paintings, any type of depiction of a</p> <p>12 nude woman on that staircase going upstairs.</p> <p>13 Correct?</p> <p>14 A. Correct.</p> <p>15 Q. All right. And I think you said</p> <p>16 downstairs you saw a picture of -- the only</p> <p>17 picture that you saw of I'd say of a younger child</p> <p>18 that displayed some form of -- I don't want to say</p> <p>19 nudity because it's probably not that, but of some</p> <p>20 portion of their body that was exposed, and I</p> <p>21 think you described it as her cheek.</p> <p>22 A. Yes, that's upstairs.</p> <p>23 Q. That's upstairs?</p> <p>24 A. Upstairs.</p> <p>25 Q. And that was -- was it Eva; is that how</p>    | <p style="text-align: right;">Page 358</p> <p>1 were there any pictures of women in any stage of</p> <p>2 undress?</p> <p>3 A. No.</p> <p>4 Q. And then I think you said as you walk</p> <p>5 upstairs, or as you walked up the stairway from</p> <p>6 the kitchen at the top of the landing, I think you</p> <p>7 described -- did you describe it as the foyer?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. But it's really the landing, the</p> <p>10 upstairs landing?</p> <p>11 A. Yes.</p> <p>12 Q. I think you said there were -- there was</p> <p>13 -- were or was a three by five picture or</p> <p>14 pictures?</p> <p>15 A. Yes.</p> <p>16 Q. Of women in some stage of undress?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And when you say three by five, I</p> <p>19 assume you meant three feet?</p> <p>20 A. Three feet.</p> <p>21 Q. By five feet?</p> <p>22 A. Yes.</p> <p>23 Q. Were they photographs?</p> <p>24 A. Yes, they were photographs.</p> <p>25 Q. And I think you also told us that you</p>                                                                                                |

23 (Pages 355 to 358)

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| <p style="text-align: right;">Page 359</p> <p>1 didn't recognize who those people were. Is that<br/>2 correct?</p> <p>3 MR. EDWARDS: Object to the form.<br/>4 THE WITNESS: I knew this particular girl<br/>5 because it was the daughter of Mrs. Eva.<br/>6 BY MR. CRITTON:<br/>7 Q. Okay. And is that the picture you're<br/>8 talking about?<br/>9 A. This is the picture I'm talking about.<br/>10 Q. Okay. And that was a three by five?<br/>11 A. Yes.<br/>12 Q. All right. And the only thing that you<br/>13 could see was a portion, that is of her other than<br/>14 say her waist or her shoulders or her arms or<br/>15 something, that's one where you could see kind of<br/>16 like the Coppertone commercial, a picture of her<br/>17 cheek?<br/>18 A. Yes. Part of her buttocks.<br/>19 MR. LANGINO: Object to the form.<br/>20 BY MR. CRITTON:<br/>21 Q. Okay. And was there another picture at<br/>22 the top of the foyer, large one, or is that the<br/>23 only one that you can recall?<br/>24 A. There were two of the same girl in<br/>25 different poses.</p>  | <p style="text-align: right;">Page 361</p> <p>1 A. Inside his closet, the walk-in closet.<br/>2 Q. And those pictures, I think you called it<br/>3 a mosaic?<br/>4 A. Yes.<br/>5 Q. And of the mosaic, approximately how many<br/>6 pictures were in the mosaic?<br/>7 A. 16 or 20.<br/>8 Q. Okay. And of those pictures how many did<br/>9 you recognize?<br/>10 A. About three or four.<br/>11 Q. All right. Were they -- as to who those<br/>12 people were, you don't know, you just recognized<br/>13 three or four of them?<br/>14 A. Mr. Epstein when he was younger, and then<br/>15 different girlfriends, but I didn't recognize<br/>16 except the ones --<br/>17 Q. Okay. You said three or four of those<br/>18 were pictures of the girls who came over to give a<br/>19 massage?<br/>20 A. Yes.<br/>21 Q. Okay. But as to who those girls were you<br/>22 don't know as you sit here today?<br/>23 A. No, sir.<br/>24 Q. And as to what their ages were you don't<br/>25 know?</p>                                                                                   |
| <p style="text-align: right;">Page 360</p> <p>1 Q. But showed the same thing?<br/>2 A. Yes.<br/>3 Q. Okay. As you walked through into -- then<br/>4 if I understood it correctly, you go to the pretty<br/>5 much to the end of the hallway, then you go<br/>6 through another small vestibule, double doors, two<br/>7 sets of double doors, and as you go straight ahead<br/>8 then you make a left around the bed and then you<br/>9 end up in the bathroom.<br/>10 A. Yes.<br/>11 Q. In the bathroom -- in the bathroom or in<br/>12 that location were there any pictures of any women<br/>13 in any stage of undress?<br/>14 A. Yes.<br/>15 Q. All right. And were any of those<br/>16 pictures, did they involve -- or were they of any<br/>17 of the girls that have been described as women who<br/>18 came over to give Mr. -- purportedly to give Mr.<br/>19 Epstein a massage?<br/>20 A. Yes.<br/>21 Q. And do you remember who any of the names<br/>22 of any of those people were?<br/>23 A. No.<br/>24 Q. And the pictures you saw, where were they<br/>25 located?</p> | <p style="text-align: right;">Page 362</p> <p>1 A. No, sir.<br/>2 Q. That's correct?<br/>3 A. That's correct.<br/>4 Q. And as to what they depicted in the<br/>5 photographs of the girls were they in different<br/>6 stages of undress?<br/>7 A. Yes.<br/>8 Q. Was everyone undressed to some degree,<br/>9 that is, they were described as nude, or at least<br/>10 the questions asked were these people nude? Were<br/>11 they actually nude or someone may have had their<br/>12 top off?<br/>13 A. There were two girls completely naked in<br/>14 a shower in a sexual act.<br/>15 Q. Is that the one when Ms. Ezell asked you<br/>16 questions, that's one of the photographs that you<br/>17 were talking about?<br/>18 A. No, sir.<br/>19 Q. That was a different --<br/>20 A. Different one.<br/>21 Q. Okay. And the mosaic that you saw where<br/>22 you saw two girls involved in a sexual act, do you<br/>23 know where that photograph was taken?<br/>24 A. I think it was taken in one of the rooms<br/>25 in the house because there is an oval bathtub, but</p> |

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| <p style="text-align: right;">Page 363</p> <p>1 I don't know which room, sir.</p> <p>2 Q. Okay. Did you recognize both the girls</p> <p>3 or just one of the girls?</p> <p>4 A. The two girls.</p> <p>5 Q. Then there were -- there was one or two</p> <p>6 other photographs of girls that you recognized?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And were they fully unclothed or</p> <p>9 did they have some degree of clothes on and/or</p> <p>10 off?</p> <p>11 A. They were naked.</p> <p>12 Q. All right. And all of the remaining</p> <p>13 pictures at least within that mosaic were of</p> <p>14 individuals that you did not know?</p> <p>15 A. No, sir.</p> <p>16 Q. And that you did not recognize as having</p> <p>17 been at the house. Is that correct?</p> <p>18 A. Yes, that's correct.</p> <p>19 Q. You were also asked about some -- let me</p> <p>20 switch for just a minute.</p> <p>21 You were asked about a vibrator that you</p> <p>22 saw, and I think you described it as a back</p> <p>23 massager that was approximately 18 inches long</p> <p>24 that had a couple of rotating heads on it.</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 365</p> <p>1 pilots, masseuses, chefs, so she have a copy of</p> <p>2 the black book with herself and as well as the</p> <p>3 computer.</p> <p>4 Q. Did you ever go on Ms. Maxwell's computer</p> <p>5 to see what she had in it?</p> <p>6 A. Yes.</p> <p>7 Q. And was that something you were allowed</p> <p>8 to do?</p> <p>9 A. No.</p> <p>10 Q. Okay. You actually went in her office?</p> <p>11 A. Yes.</p> <p>12 Q. And was her computer on so that you</p> <p>13 didn't need to access the password?</p> <p>14 A. It was off.</p> <p>15 Q. Okay. So you just turned it on?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And then you were able to access her</p> <p>18 computer?</p> <p>19 A. Exactly.</p> <p>20 Q. And what possessed you to go in and to</p> <p>21 access her personal computer?</p> <p>22 A. I needed to send some documents to the</p> <p>23 New York office and it was the only computer</p> <p>24 working in the house.</p> <p>25 Q. Okay. And how many occasions did you use</p> |
| <p style="text-align: right;">Page 364</p> <p>1 Q. And I think you ultimately came up with</p> <p>2 the idea as it was something you had seen at like</p> <p>3 a Sharper Image store.</p> <p>4 A. Yes, sir.</p> <p>5 Q. Have you ever seen one of those types of</p> <p>6 devices, that is a back massager with the rotating</p> <p>7 heads also sold -- well, let me ask you this.</p> <p>8 Strike that last question.</p> <p>9 Have you ever been to Brookstone?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Have you ever seen a massager like</p> <p>12 that at Brookstone?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. You were asked whether Ms. Maxwell</p> <p>15 kept the names of any of the girls who came to</p> <p>16 give massages on -- let me ask it this way.</p>                                                                                                                                                                                                                                                                                                                                                                          | <p style="text-align: right;">Page 366</p> <p>1 her computer?</p> <p>2 A. Several times.</p> <p>3 Q. Was she ever aware that you used her</p> <p>4 computer?</p> <p>5 MR. LANGINO: Form.</p> <p>6 THE WITNESS: I don't think so.</p> <p>7 BY MR. CRITTON:</p> <p>8 Q. Did you ever ask Ms. Maxwell for</p> <p>9 permission to use her computer?</p> <p>10 A. I was the house manager, I believe I was</p> <p>11 supposed to use everything in the house to</p> <p>12 accomplish my duties, in that case sending</p> <p>13 financial reports or e-mails.</p> <p>14 Q. So would you have been -- did you ever</p> <p>15 use Mr. Epstein's computer?</p> <p>16 A. No.</p>                                                                                                                                                                                                                                                                                                                                                                   |
| <p>17 I think you were asked whether</p> <p>18 Ms. Maxwell ever kept the names of any of the</p> <p>19 girls who came to give massages and I think your</p> <p>20 response was yes.</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Did she keep them on a pad of</p> <p>23 paper, did she keep them in a notebook, did she</p> <p>24 keep them in a computer?</p> <p>25 A. We used to have internal books for</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>17 Q. Okay. But you used Ms. Maxwell's</p> <p>18 computer?</p> <p>19 A. Yes.</p> <p>20 Q. Did you ever use Ms. Kellen's computer?</p> <p>21 A. Yes.</p> <p>22 Q. In looking at Ms. Maxwell still, you went</p> <p>23 into Ms. Maxwell's computer with at least the idea</p> <p>24 of sending some documents?</p> <p>25 A. Yes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

25 (Pages 363 to 366)

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| <p style="text-align: right;">Page 367</p> <p>1 Q. Up to New York?</p> <p>2 A. Yes.</p> <p>3 Q. Were you going to pdf them?</p> <p>4 A. Yes.</p> <p>5 Q. And did she have a fax machine -- not a</p> <p>6 fax machine, a copy machine in her office as well?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So how would you generally do</p> <p>9 that? Would you do that through a Microsoft</p> <p>10 program?</p> <p>11 A. Through Citrix.</p> <p>12 Q. Through Citrix. All right. With Citrix,</p> <p>13 and that is, if you said you saw some names of</p> <p>14 individuals on her computer if you were just going</p> <p>15 to pdf some documents up to New York why would you</p> <p>16 of -- what would of caused you to have seen any</p> <p>17 names on her computer?</p> <p>18 MS. EZELL: Objection to form.</p> <p>19 THE WITNESS: All the calls that came to</p> <p>20 358 El Brillo, they came through the</p> <p>21 telephone, they have a transcript somehow</p> <p>22 that they connect to the computer, so you</p> <p>23 can pull it and you register the time, who</p> <p>24 called, who didn't call, and you can pull</p> <p>25 this at your request. So I used to use that</p> | <p style="text-align: right;">Page 369</p> <p>1 record with tape number three.</p> <p>2 BY MR. CRITTON:</p> <p>3 Q. Mr. Rodriguez, I was asking you about</p> <p>4 Ms. Maxwell's computer and you told me how you</p> <p>5 went on the computer.</p> <p>6 If she was out of town would she take her</p> <p>7 computer with her?</p> <p>8 A. No.</p> <p>9 Q. It was something she left there?</p> <p>10 A. Yes.</p> <p>11 Q. All right. And when you went on to pdf,</p> <p>12 I think you said it was really one time that you</p> <p>13 saw the names of some of these girls?</p> <p>14 A. Yes.</p> <p>15 Q. And if I understand it correctly, it was</p> <p>16 -- did it have the name and then a phone number?</p> <p>17 A. Yes.</p> <p>18 Q. And was that something that was</p> <p>19 automatically downloaded from the system?</p> <p>20 A. Yeah, from the phone system to the</p> <p>21 computer so we have a transcript.</p> <p>22 Q. When you say a transcript, the fact that</p> <p>23 Sally Jones, phone number 561, whatever it was,</p> <p>24 called.</p> <p>25 A. It was a transcript of the phone calls of</p> |
| <p style="text-align: right;">Page 368</p> <p>1 to go back to some calls that they were</p> <p>2 requesting, especially when the hurricane</p> <p>3 season happened.</p> <p>4 BY MR. CRITTON:</p> <p>5 Q. Okay. So if I understand, even the</p> <p>6 computer you used would have had that same</p> <p>7 feature?</p> <p>8 A. No, no, it was totally different. Mine</p> <p>9 was slower and all the time was breaking down</p> <p>10 that's why we have the guy from Ohio came and</p> <p>11 fixed the computers.</p> <p>12 Q. Okay. Were there other computers that</p> <p>13 you used that had that feature, that is that --</p> <p>14 A. Only Sarah, Mrs. Maxwell, and the staff</p> <p>15 house.</p> <p>16 Q. Staff house being yours?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p style="text-align: right;">Page 370</p> <p>1 the house, we can get it from the computer.</p> <p>2 Q. Okay. And I'm distinguishing,</p> <p>3 transcript, it would tell you the name and phone</p> <p>4 number, it wouldn't tell you what was said?</p> <p>5 A. It was the message also.</p> <p>6 Q. Okay. Now I understand. And so</p> <p>7 Ms. Maxwell when you said she had the names of</p> <p>8 some of these girls who may have given massages,</p> <p>9 or at least were what you called earlier girls</p> <p>10 that gave massages, or females that gave massages,</p> <p>11 she would have had it because that was information</p> <p>12 that was downloaded from the Citrix system into</p> <p>13 her computer?</p> <p>14 A. Yes.</p> <p>15 MS. EZELL: Objection, form.</p> <p>16 BY MR. CRITTON:</p>                                                                                                                                                                                                                                                                                                              |
| <p>17 A. The guest house, yes, my office.</p> <p>18 Q. So you could go out to your guest house</p> <p>19 then and look for the same information?</p> <p>20 A. No.</p> <p>21 Q. All right. I don't understand but why</p> <p>22 don't we take a break because we're almost out of</p> <p>23 tape.</p> <p>24 (Thereupon, a recess was had.)</p> <p>25 THE VIDEOGRAPHER: We're back on the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>17 Q. Okay, I understand. Now, you said she</p> <p>18 also had some pictures. Is that that one time you</p> <p>19 also saw pictures?</p> <p>20 A. Yes.</p> <p>21 Q. And were you going through her computer</p> <p>22 at that time?</p> <p>23 A. No.</p> <p>24 Q. The question is, if all you were going to</p> <p>25 do was try to pdf some financial information to</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

26 (Pages 367 to 370)

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| <p style="text-align: right;">Page 371</p> <p>1 New York what were you doing getting to names and<br/>2 phone numbers and then pictures of girls?<br/>3 A. I was trying to get some information. I<br/>4 was working the computer and I just happen -- they<br/>5 have the icon of the file and I open and it was<br/>6 right there, so I was not looking but, you know,<br/>7 it was already accessible to me.<br/>8 Q. And how many photographs did you then<br/>9 scroll through to look at?<br/>10 A. Probably 30.<br/>11 Q. Okay. And why?<br/>12 A. Just curiosity, sir.<br/>13 Q. So again, you never told anyone other<br/>14 than your wife?<br/>15 A. No.<br/>16 Q. Correct?<br/>17 A. Yes, correct.<br/>18 Q. Of the pictures that you saw, if I<br/>19 understood it correctly, some of those were<br/>20 pictures of -- well, I think you said some of them<br/>21 reflected parties or banquets?<br/>22 A. Yes.<br/>23 Q. I think you described some of the<br/>24 pictures gatherings that appeared to be either in<br/>25 Russia or Eastern Europe?</p> | <p style="text-align: right;">Page 373</p> <p>1 Q. Okay. Were any of the photographs that<br/>2 were in -- again, I'm talking about Ms. Maxwell's<br/>3 computer now, were those photographs of<br/>4 individuals who were any of the girls or ladies<br/>5 that came over to give massages?<br/>6 A. No. They stay at the house.<br/>7 Q. Okay. So the photographs that you saw on<br/>8 Ms. Maxwell's computer of females in any state of<br/>9 undress or at parties or at banquets, those were<br/>10 all of individuals who would fly in with Mr.<br/>11 Epstein at various periods of time that had<br/>12 traveled with him?<br/>13 A. That's correct.<br/>14 Q. Okay. Those are the girls that you told<br/>15 us I think at your last deposition and reaffirmed<br/>16 here today, those girls all appeared to be in<br/>17 their 20's?<br/>18 A. Yes, sir.<br/>19 Q. All right. Now, you were also asked some<br/>20 questions, a lot of questions about surveillance.<br/>21 And if I understood your testimony, and this is<br/>22 where it goes back to what do you know, what don't<br/>23 you know, what were you speculating on, what did<br/>24 you know at the time, what do you know now, at<br/>25 least I need you to distinguish that for me so</p> |
| <p style="text-align: right;">Page 372</p> <p>1 A. Yes.<br/>2 Q. All right. And then you talked about a<br/>3 picture of two girls in the shower that you didn't<br/>4 know the girls. Correct?<br/>5 A. Yes.<br/>6 Q. That's correct?<br/>7 A. That's correct.<br/>8 Q. All right. And that in all of the<br/>9 photographs that you saw the individuals seemed to<br/>10 be having a good time?<br/>11 A. Yes.<br/>12 Q. All right. Would it be a correct<br/>13 statement that in none of the photographs did<br/>14 anyone seem to be distressed or disturbed or show<br/>15 any type of negative emotion, at least from what<br/>16 you observed?</p>                                                                                                                                                                                                                                                                                                                                                                                                              | <p style="text-align: right;">Page 374</p> <p>1 that I know what you knew at the time, and as<br/>2 distinct from what you may have read in the<br/>3 newspaper or been told by some lawyer or someone<br/>4 else that may not be accurate. Okay?<br/>5 A. Yes, sir.<br/>6 Q. With regard to the -- with regard to<br/>7 surveillance equipment, if I understood your<br/>8 testimony today is you were completely unaware of<br/>9 the existence of any surveillance equipment in the<br/>10 house during the 2004/2005 time period that you<br/>11 worked there. Is that correct?<br/>12 A. Yes.<br/>13 Q. And therefore, where it was, what may<br/>14 have existed, whether it in fact actually did<br/>15 exist, whether anyone maintained it, you have no<br/>16 personal knowledge whatsoever. Is that true?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>17 A. That's correct.<br/>18 MS. EZELL: Objection, form.<br/>19 BY MR. CRITTON:<br/>20 Q. And in terms of the photographs that you<br/>21 did see, were any of the photographs that you saw,<br/>22 did they appear -- did they appear to have been of<br/>23 women that you had seen fly in with Mr. Epstein on<br/>24 his plane?<br/>25 A. Yes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>17 A. That's true.<br/>18 MR. WILLITS: Object to the form.<br/>19 BY MR. CRITTON:<br/>20 Q. You talked about pictures of two women<br/>21 who you saw in the house who were nude, one was<br/>22 Nadia?<br/>23 A. Yes.<br/>24 Q. And you knew Nadia was someone who was in<br/>25 her 20's?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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| <p style="text-align: right;">Page 375</p> <p>1 A. Yes.</p> <p>2 Q. All right. And then you saw another</p> <p>3 picture of a Brazilian woman who had traveled or</p> <p>4 flown on the plane before?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And she also appeared to be a</p> <p>7 woman to you not only in the photograph but from</p> <p>8 your having seen her who appeared to be in her</p> <p>9 20's?</p> <p>10 A. Yes.</p> <p>11 Q. Excuse me. Thank you. You talked about</p> <p>12 Sarah Kellen's computer. Was she hooked into your</p> <p>13 main system?</p> <p>14 A. Not to my office in the staff house but</p> <p>15 she was hooked into the main house.</p> <p>16 Q. Okay. The same Citrix system?</p> <p>17 A. Yes.</p> <p>18 Q. And you said that Sarah had pictures of</p> <p>19 women on her computer that you saw. Is that</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And were those the same types of</p> <p>23 pictures that Ms. Maxwell had, that is, females,</p> <p>24 pictures of females who had traveled in with Mr.</p> <p>25 Epstein from his plane?</p> | <p style="text-align: right;">Page 377</p> <p>1 names and addresses of -- let me start over.</p> <p>2 Strike that.</p> <p>3 If I understood your testimony, you said</p> <p>4 that Sarah had pictures -- start again.</p> <p>5 You said that Sarah had the names and</p> <p>6 phone numbers of some of the massage girls.</p> <p>7 A. Yes.</p> <p>8 Q. Or at least of the people that you</p> <p>9 thought may have been called to give massages.</p> <p>10 A. Yes.</p> <p>11 MS. EZELL: Form.</p> <p>12 MR. EDWARDS: Form.</p> <p>13 BY MR. CRITTON:</p> <p>14 Q. And was that in the same format that you</p> <p>15 saw on Ms. Maxwell's computer?</p> <p>16 A. No.</p> <p>17 Q. Okay. What occasion would you have been</p> <p>18 -- have had to use Sarah Kellen's computer?</p> <p>19 A. She will instruct me to get some</p> <p>20 information from her desk or telephone numbers, so</p> <p>21 I will.</p> <p>22 Q. And that's where you would have seen it?</p> <p>23 A. Yes.</p> <p>24 Q. I think you testified at your last</p> <p>25 deposition, or the start of your deposition that</p> |
| <p style="text-align: right;">Page 376</p> <p>1 A. This were different pictures.</p> <p>2 Q. Okay. Were any of hers of any of the</p> <p>3 girls who came in on the plane, or the ladies or</p> <p>4 women?</p> <p>5 A. No.</p> <p>6 Q. What were her pictures of?</p> <p>7 A. They were young women modeling, you know.</p> <p>8 I don't remember seeing nudity on Sarah's</p> <p>9 computer.</p> <p>10 Q. All right. Hers, when I say hers, the</p> <p>11 photographs that Sarah Kellen had on her computer</p> <p>12 were all of individuals who appeared -- or not</p> <p>13 appeared, but were dressed and appeared to be</p> <p>14 modeling?</p> <p>15 A. Yes.</p> <p>16 Q. Would it be a correct statement that none</p>                                                                                                                                                                                                                                                                                                                                                                       | <p style="text-align: right;">Page 378</p> <p>1 the number of women that you remember came over to</p> <p>2 give massages was something eight to ten, twelve,</p> <p>3 I don't remember, what's your best recollection?</p> <p>4 A. Can you repeat that, please?</p> <p>5 Q. Of the women, of different women that you</p> <p>6 knew came over to give massages during the time</p> <p>7 that you worked for Mr. Epstein, '04 to '05,</p> <p>8 during that time period, approximately how many</p> <p>9 women were there?</p> <p>10 MR. EDWARDS: Object to the form.</p> <p>11 THE WITNESS: To give massages?</p> <p>12 BY MR. CRITTON:</p> <p>13 Q. Yes, sir.</p> <p>14 A. Fifteen, yeah.</p> <p>15 Q. So something between one and fifteen of</p> <p>16 the names you would have seen on Ms. Kellen's</p>                                                                                                                                                                                                                                                                                          |
| <p>17 of the women that you saw, that is the pictures of</p> <p>18 the women that you saw on Sarah's computer were</p> <p>19 any of the girls, women, whoever came to give</p> <p>20 massages? Is that correct?</p> <p>21 MR. EDWARDS: Object to the form.</p> <p>22 MS. EZELL: Form.</p> <p>23 THE WITNESS: That's correct.</p> <p>24 BY MR. CRITTON:</p> <p>25 Q. You said that Sarah you thought also had</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>17 computer along with a phone number?</p> <p>18 MR. EDWARDS: Form.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. CRITTON:</p> <p>21 Q. Do you remember how many you would have</p> <p>22 seen?</p> <p>23 A. Fifteen.</p> <p>24 Q. Okay. You also told us earlier today</p> <p>25 that you saw Sarah Kellen from time to time taking</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| <p style="text-align: right;">Page 379</p> <p>1 pictures in the dining room and the library.<br/> 2 A. Yes.<br/> 3 Q. Photographs.<br/> 4 A. Yes.<br/> 5 Q. Okay. Was she taking -- the pictures she<br/> 6 took were people who were clothed?<br/> 7 A. Yes.<br/> 8 Q. And were any of the pictures that she<br/> 9 took of any of the girls that you ever -- let me<br/> 10 strike that.<br/> 11 If I understood your original testimony<br/> 12 -- I don't want to say original. If I understood<br/> 13 your testimony from July 29th to what you told us<br/> 14 today as to the women who did come to give<br/> 15 massages they'd knock or somehow you would be<br/> 16 aware that they were at the back door, you would<br/> 17 punch the security code and lead them into the<br/> 18 kitchen.<br/> 19 A. Yes.<br/> 20 Q. Okay. When you brought them into the<br/> 21 kitchen you would say, hi, they would say hi back<br/> 22 to you, or something to that, short greeting,<br/> 23 you'd offer them water, there was never any<br/> 24 alcohol in the whole house other than I think you<br/> 25 said for one person at one time. Is that a fair</p> | <p style="text-align: right;">Page 381</p> <p>1 Q. Regular conversation?<br/> 2 A. Yes.<br/> 3 Q. And, therefore, you might interject<br/> 4 yourself back in because you've been asked to pay<br/> 5 someone or to let them out?<br/> 6 MR. LANGINO: Form.<br/> 7 THE WITNESS: Yes, I was called to pay<br/> 8 them.<br/> 9 BY MR. CRITTON:<br/> 10 Q. All right. And when you hear that<br/> 11 conversation that would be another way that you<br/> 12 would know that the women were leaving?<br/> 13 A. Yes.<br/> 14 Q. And sometimes they'd leave without you<br/> 15 even being involved, if I understood it correctly?<br/> 16 A. That's correct.<br/> 17 Q. So, the only places that you ever saw the<br/> 18 women who came to give massages would be -- of the<br/> 19 some fifteen women during the time you were there<br/> 20 would be either when you let them into the house<br/> 21 and escorted them into the kitchen or as they were<br/> 22 leaving?<br/> 23 A. Yes.<br/> 24 Q. And I think you described one instance<br/> 25 earlier today is that you may have had [REDACTED] in the</p>                                                                                                               |
| <p style="text-align: right;">Page 380</p> <p>1 statement?<br/> 2 A. Yes.<br/> 3 Q. All right. You left the kitchen, you<br/> 4 understood Sarah Kellen came down, and what<br/> 5 happened thereafter you don't have any personal<br/> 6 knowledge whatsoever?<br/> 7 A. That's correct.<br/> 8 MR. EDWARDS: Form.<br/> 9 BY MR. CRITTON:<br/> 10 Q. At some point in time Ms. Kellen might<br/> 11 contact you and say pay such and such X amount of<br/> 12 dollars, she is now getting ready to leave.<br/> 13 A. Yes.<br/> 14 Q. That maybe one. Another set of<br/> 15 circumstances might be you use the word commotion,<br/> 16 you might hear a commotion, I assume you don't<br/> 17 mean -- well, let me ask you, when you say<br/> 18 commotion, do you mean a disturbance, something<br/> 19 that was seriously like raised voices or merely<br/> 20 you just heard some people talking?<br/> 21 A. Conversation of people leaving.<br/> 22 Q. Okay. Not a commotion in the form of a<br/> 23 disturbance but a commotion in the sense that you<br/> 24 heard people talking?<br/> 25 A. Yes.</p>                                                    | <p style="text-align: right;">Page 382</p> <p>1 car, in the Suburban?<br/> 2 A. Yes.<br/> 3 Q. And that's the only person that you can<br/> 4 remember having driven any place, that is, of the<br/> 5 women who were described as having given massages?<br/> 6 MR. EDWARDS: Objection.<br/> 7 MS. EZELL: Objection, form.<br/> 8 THE WITNESS: Sir, I have to clarify<br/> 9 that I drove a lot of girls, but I don't<br/> 10 remember the names associated with the<br/> 11 faces. But this particular girl A., or<br/> 12 others, C., whatever, I remember driving in<br/> 13 the Suburban, but I cannot say this was --<br/> 14 BY MR. CRITTON:<br/> 15 Q. Let me clarify because what I want to be<br/> 16 clear is, is I do remember you testifying that<br/> 17 when some of the 20 plus year old models or<br/> 18 females would fly in with Mr. Epstein they might<br/> 19 want to go shopping, they might want to go to the<br/> 20 store, they may want to go to the drug store, they<br/> 21 may want to go to the beach, wherever they wanted<br/> 22 to go and you would drive them.<br/> 23 A. Yes.<br/> 24 Q. All right. And then I remember in<br/> 25 response to Ms. Ezell's questions today she asked</p> |

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| <p style="text-align: right;">Page 383</p> <p>1 you about having driven [REDACTED] and you recalled<br/> 2 having had her in the Suburban specifically.<br/> 3 A. Yes.<br/> 4 Q. Do you remember any of the other girls,<br/> 5 women who came to give massages ever having driven<br/> 6 them, or is [REDACTED] the only one that you remember?<br/> 7 MR. EDWARDS: Form.<br/> 8 THE WITNESS: I only remember [REDACTED] right<br/> 9 now for the fact that I was driving by the<br/> 10 airport and I showed her Mr. Epstein's<br/> 11 plane.<br/> 12 BY MR. CRITTON:<br/> 13 Q. All right. Which really takes me back to<br/> 14 really where I started with this series of<br/> 15 questions.<br/> 16 You saw the girls, the women who came in<br/> 17 to give the massages, when they came in if you<br/> 18 were advised or if you heard conversation and you<br/> 19 saw them you would see them when they left?<br/> 20 A. Yes.<br/> 21 Q. And you saw [REDACTED] because she was in the<br/> 22 Suburban on at least one occasion?<br/> 23 A. Yes.<br/> 24 Q. And, therefore, you never saw these<br/> 25 girls, these women who gave the massages in the</p> | <p style="text-align: right;">Page 385</p> <p>1 Q. All right. Ms. Ezell asked you about Mr.<br/> 2 Dershowitz being present in Mr. Epstein's home,<br/> 3 and I think she asked -- and I think that you said<br/> 4 Mr. Epstein was a -- and he and Mr. Dershowitz<br/> 5 were friends?<br/> 6 A. Yes.<br/> 7 Q. She also I think asked was Mr. Dershowitz<br/> 8 ever there when one of the women who gave a<br/> 9 massage was present in the home?<br/> 10 A. I don't remember that.<br/> 11 Q. That's what I want to clear up. Is it<br/> 12 your testimony that Mr. Dershowitz was there when<br/> 13 any of the women came to Mr. Epstein's home to<br/> 14 give a massage?<br/> 15 A. Yes.<br/> 16 MR. EDWARDS: Form.<br/> 17 BY MR. CRITTON:<br/> 18 Q. As to whether any of those women were<br/> 19 ever associated with Mr. Dershowitz would it be a<br/> 20 correct statement that you have absolutely no<br/> 21 knowledge?<br/> 22 A. I don't know, sir.<br/> 23 Q. You don't know?<br/> 24 A. I don't know, sir.<br/> 25 MS. EZELL: Form.</p> |
| <p style="text-align: right;">Page 384</p> <p>1 dining room or the library. Would that be a fair<br/> 2 statement?<br/> 3 A. That's correct.<br/> 4 MR. EDWARDS: Form.<br/> 5 BY MR. CRITTON:<br/> 6 Q. All right. So, therefore, the pictures<br/> 7 that you saw Sarah Kellen taking of girls, women,<br/> 8 either in the dining room or library, those were<br/> 9 other individuals other than those who may have<br/> 10 given or who came for massages. Is that correct?<br/> 11 MS. EZELL: Form.<br/> 12 MR. EDWARDS: Form.<br/> 13 THE WITNESS: It's confusing, sir,<br/> 14 because there were a bunch of girls. I<br/> 15 don't know which one they were but I saw her<br/> 16 taking pictures of the groups,<br/> 17 BY MR. CRITTON:<br/> 18 Q. As to whether they were people who came<br/> 19 in on the planes or there may have been a massage<br/> 20 girl or more than one woman who gave a massage,<br/> 21 you just don't know as you sit here, you'd just be<br/> 22 speculating. Is that correct?<br/> 23 MR. EDWARDS: Form.<br/> 24 THE WITNESS: I don't know.<br/> 25 BY MR. CRITTON:</p>                                                       | <p style="text-align: right;">Page 386</p> <p>1 BY MR. CRITTON:<br/> 2 Q. Okay. Were you in any way attempting in<br/> 3 your response to Ms. Ezell to imply that Mr.<br/> 4 Dershowitz had a massage by one of these young<br/> 5 ladies?<br/> 6 A. I don't know, sir.<br/> 7 Q. You have no knowledge?<br/> 8 A. No, sir.<br/> 9 Q. And you certainly weren't implying that<br/> 10 that occurred, you just have no knowledge.<br/> 11 Correct?<br/> 12 MR. EDWARDS: Form.<br/> 13 THE WITNESS: I don't know.<br/> 14 BY MR. CRITTON:<br/> 15 Q. Sorry?<br/> 16 A. I don't know.<br/> 17 Q. I think in response to one of Ms. Ezell's<br/> 18 questions you responded that -- let me ask it this<br/> 19 way.<br/> 20 You never saw Mr. Epstein ever take<br/> 21 photographs of anyone. Would that be a correct<br/> 22 statement?<br/> 23 A. Yes.<br/> 24 Q. Would it be a correct statement you never<br/> 25 saw Mr. Epstein initiate a phone call to anyone?</p>                                                                                      |

30 (Pages 383 to 386)

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| <p style="text-align: right;">Page 387</p> <p>1 A. To place a phone call?</p> <p>2 Q. Yeah. Did you ever see him place a phone</p> <p>3 call?</p> <p>4 A. Yes.</p> <p>5 Q. If in fact, maybe it was this way, is</p> <p>6 that you never saw him call someone to schedule a</p> <p>7 massage appointment. Correct?</p> <p>8 A. That's correct.</p> <p>9 Q. I think you said that Ms. Kellen told you</p> <p>10 that Mr. Epstein would take photographs. Did I</p> <p>11 understand you correctly?</p> <p>12 A. I'm sorry, can you repeat that?</p> <p>13 Q. Did Ms. Kellen ever tell you that Mr.</p> <p>14 Epstein took a photograph of anyone?</p> <p>15 A. No, she said to me Mr. Epstein is like</p> <p>16 he's an amateur photographer.</p> <p>17 Q. Okay. I may have misunderstood you then.</p> <p>18 Let me clarify that testimony.</p> <p>19 It's your testimony that Ms. Kellen told</p> <p>20 you that Mr. Epstein is an amateur photographer?</p> <p>21 A. Yes.</p> <p>22 Q. She never told you that -- or let me</p> <p>23 strike that.</p> <p>24 Is it correct that she never told you</p> <p>25 that Mr. Epstein took photographs of any of the</p> | <p style="text-align: right;">Page 389</p> <p>1 Q. Of the time that you've done that</p> <p>2 approximately how many years does that include in</p> <p>3 your working life?</p> <p>4 A. Eight years, ten years.</p> <p>5 Q. All right. And have you worked for --</p> <p>6 have you been in other circumstances where you</p> <p>7 have worked around -- well, let me step back.</p> <p>8 With all of the individuals that you</p> <p>9 mentioned, estate manager, house manager, has this</p> <p>10 been for individuals who have or at least appear</p> <p>11 to have substantial wealth?</p> <p>12 A. Yes.</p> <p>13 Q. And as part of your duties, or not duties</p> <p>14 but as part of being a house manager or general</p> <p>15 manager for an estate do you interact with other</p> <p>16 estate managers?</p> <p>17 A. Yes.</p> <p>18 Q. And do you assist each other from time to</p> <p>19 time if someone needs help?</p> <p>20 A. That's correct.</p> <p>21 Q. And I assume that you've been in other</p> <p>22 estates in Palm Beach and probably in Fort</p> <p>23 Lauderdale and other locations?</p> <p>24 A. Yes.</p> <p>25 Q. As part of during your working career did</p>                                                                                             |
| <p style="text-align: right;">Page 388</p> <p>1 girls, women, who came over to give him a massage?</p> <p>2 A. That's correct.</p> <p>3 Q. All right. Mr. Rodriguez, other than Mr.</p> <p>4 Epstein I think you told us you had worked for a</p> <p>5 lady named Ms. Hammond?</p> <p>6 A. Yes.</p> <p>7 Q. And you had worked for a gentleman --</p> <p>8 A. Sidney Bowman.</p> <p>9 Q. Is he the gentleman from Fisher Island?</p> <p>10 A. No, Arturo Torres.</p> <p>11 Q. All right. In addition to Ms. Hammond up</p> <p>12 in Palm Beach you worked for other individuals as</p> <p>13 well?</p> <p>14 A. I did it part-time but I don't have her</p> <p>15 name right now, sir.</p> <p>16 Q. During your career as a -- let me strike</p> <p>17 that.</p> <p>18 Had you worked other than those places,</p> <p>19 Mr. Arturo --</p> <p>20 A. Arturo Torres, yes.</p> <p>21 Q. Arturo Torres, Ms. Hammond, the other</p> <p>22 individual you can't remember, and Mr. Epstein,</p> <p>23 have you worked for other individuals as an estate</p> <p>24 manager or general house manager?</p> <p>25 A. No, sir.</p>                                            | <p style="text-align: right;">Page 390</p> <p>1 you ever work in restaurant or a personal services</p> <p>2 type business where you would provide like</p> <p>3 catering or something like that to other wealthy</p> <p>4 individuals?</p> <p>5 A. I did.</p> <p>6 Q. Give us a little of your background if</p> <p>7 you could then, Mr. Rodriguez.</p> <p>8 A. I work in Long Island, Montauk Lake Club</p> <p>9 and Marina, a very exclusive country club where</p> <p>10 Mr. Nixon used to spend his summers, Richard</p> <p>11 Nixon. I worked for Leona Helmsley in New York.</p> <p>12 Very demanding lady. And then Mr. Torres in Texas</p> <p>13 in his ranch and as well as Fisher Island. And I</p> <p>14 was a general manager of one of his restaurants in</p> <p>15 San Antonio, Texas. This is the most high profile</p> <p>16 people that I worked for.</p> <p>17 Q. Okay. When you worked for Ms. Helmsley,</p> <p>18 Leona Helmsley, she used to have the Helmsley</p> <p>19 Palace and she with her husband, Harry Helmsley, I</p> <p>20 think they owned a number of real estate in</p> <p>21 addition to hotel properties.</p> <p>22 A. That's correct.</p> <p>23 Q. When you would -- I think you described</p> <p>24 her as a demanding person?</p> <p>25 A. Yes.</p> |

31 (Pages 387 to 390)



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| <p style="text-align: right;">Page 391</p> <p>1 Q. All right. In terms of these wealthy<br/>2 people that you've worked for, these individuals,<br/>3 do they all have, that is at least in terms of Mr.<br/>4 Epstein, the way that his household was managed,<br/>5 was it similar to other set of circumstances that<br/>6 you've been involved with?<br/>7 MR. HOROWITZ: Object to form.<br/>8 THE WITNESS: They have a common ground,<br/>9 yes.<br/>10 BY MR. CRITTON:<br/>11 Q. All right. And in terms of you talked<br/>12 about Mr. Epstein that there was some sort of a<br/>13 manual or a procedure book with regard to his<br/>14 house.<br/>15 A. House manual, yes.<br/>16 Q. A house manual. Did other houses have<br/>17 house manuals as well? Is that reasonably -- I<br/>18 mean not common but it's something that you've<br/>19 seen before?<br/>20 MR. EDWARDS: Form.<br/>21 THE WITNESS: I know a lot of houses do<br/>22 but that was the only estate that we have a<br/>23 house manual.<br/>24 BY MR. CRITTON:<br/>25 Q. And other individuals like where you've</p> | <p style="text-align: right;">Page 393</p> <p>1 about what they do?<br/>2 MR. HOROWITZ: Object to the form.<br/>3 THE WITNESS: Yes.<br/>4 BY MR. CRITTON:<br/>5 Q. And have you worked at other locations,<br/>6 that is, in the other houses that you've worked<br/>7 where they have massage tables?<br/>8 A. Yes.<br/>9 Q. And in those other locations where they<br/>10 had a massage table, were they similar to the<br/>11 massage table that was in Mr. Epstein's home?<br/>12 A. Yes, sir.<br/>13 Q. All right. Almost same make and model?<br/>14 A. Same type, yes.<br/>15 Q. And did other individuals in houses that<br/>16 you worked at and other places where you helped<br/>17 out other estate managers, would those individuals<br/>18 have massages from time to time?<br/>19 A. Yes.<br/>20 Q. So having a massage or a massage table in<br/>21 someone's house that you might -- that lives in<br/>22 Palm Beach or Montauk or New York or something,<br/>23 would you consider that unusual?<br/>24 MR. HOROWITZ: Form.<br/>25 THE WITNESS: No.</p> |
| <p style="text-align: right;">Page 392</p> <p>1 worked similar to Mr. Epstein -- now, Mr. Epstein<br/>2 was single?<br/>3 A. Yes.<br/>4 Q. All right. And him having a lot of -- or<br/>5 bringing a lot of attractive women and other<br/>6 people to his house, I assume that didn't offend<br/>7 you in any way?<br/>8 MR. EDWARDS: Object to the form.<br/>9 THE WITNESS: No, sir.<br/>10 BY MR. CRITTON:<br/>11 Q. At least based upon your experience in<br/>12 dealing with other individuals either of some<br/>13 notoriety like Ms. Helmsley or when you said the<br/>14 club that you worked up is in Montauk --<br/>15 A. Montauk Lake Club and Marina.<br/>16 Q. Right. You ran into separate and apart<br/>17 from Richard Nixon were there a lot of people,<br/>18 corporate people, business people?<br/>19 A. Yes.<br/>20 Q. People of substantial resources and<br/>21 wealth?<br/>22 A. Yes.<br/>23 Q. Have you found at least in your<br/>24 experience that most of those people are pretty<br/>25 discreet about -- when I say discreet, private</p>                       | <p style="text-align: right;">Page 394</p> <p>1 BY MR. CRITTON:<br/>2 Q. I think you told me at least in Mr.<br/>3 Epstein's home other than for one guest he didn't<br/>4 have any type of alcohol in the house. Is that<br/>5 correct?<br/>6 A. That's correct.<br/>7 Q. Was that basically you understood that<br/>8 that was one of the policies and procedure, no<br/>9 alcohol in the house?<br/>10 A. Yes.<br/>11 Q. And did you ever see any type of illegal<br/>12 or inappropriate drugs?<br/>13 A. No, sir.<br/>14 Q. And was that another policy or procedure,<br/>15 absolutely no drugs of any kind?<br/>16 A. No smoking in the house.<br/>17 Q. All right. So no drugs, no smoking, no<br/>18 alcohol?<br/>19 A. Yes.<br/>20 Q. Was that pretty typical for other Palm<br/>21 Beach places that you were familiar with?<br/>22 A. No.<br/>23 Q. All right. And other places you'd always<br/>24 find alcohol?<br/>25 A. Yes.</p>                                                                                                                           |

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| <p style="text-align: right;">Page 395</p> <p>1 Q. All right. And you might find drugs?</p> <p>2 A. Yes.</p> <p>3 Q. And some pretty wild parties?</p> <p>4 A. Yes.</p> <p>5 Q. Now, with regard to the women who came to</p> <p>6 give massages, of those women, of those</p> <p>7 approximately fifteen that you described, how many</p> <p>8 of them came more than one -- more than one</p> <p>9 occasion?</p> <p>10 MR. HOROWITZ: Form.</p> <p>11 THE WITNESS: I'd say more than half.</p> <p>12 BY MR. CRITTON:</p> <p>13 Q. So maybe seven, eight, nine, ten?</p> <p>14 A. Yes.</p> <p>15 Q. Of those people that came on -- of those</p> <p>16 seven to ten that came on more than one occasion,</p> <p>17 did those individuals come on many occasions?</p> <p>18 A. Yes.</p> <p>19 Q. And as to the women who were -- who you</p> <p>20 understood were coming to give the massages --</p> <p>21 MR. EDWARDS: Form.</p> <p>22 MR. CRITTON: I'm not done yet.</p> <p>23 THE VIDEOGRAPHER: I need to go off the</p> <p>24 record for a second.</p> <p>25 (Thereupon, an interruption was had.)</p>                                                                                    | <p style="text-align: right;">Page 397</p> <p>1 MR. EDWARDS: Object to the form.</p> <p>2 BY MR. CRITTON:</p> <p>3 Q. And I don't know whether he asked, do you</p> <p>4 remember a person named T.M.?</p> <p>5 A. Yes.</p> <p>6 Q. And would she call from time to time</p> <p>7 asking if she could come to give a massage just</p> <p>8 like C.W.?</p> <p>9 MR. EDWARDS: Object to the form.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. CRITTON:</p> <p>12 Q. So at least those two individuals, they</p> <p>13 were overtly, that is, they were asking whether</p> <p>14 they could come to give Mr. Epstein a massage.</p> <p>15 Correct?</p> <p>16 A. They will call and they will say I need</p> <p>17 to talk to Sarah, and Sarah fifteen minutes later</p> <p>18 will tell, Alfredo, we're going to have a massage</p> <p>19 with so and so.</p> <p>20 Q. So either C.W. or T.M. would call to ask</p> <p>21 if they could come and then a massage would be set</p> <p>22 then they would show up?</p> <p>23 A. That's correct, sir.</p> <p>24 Q. Okay. And from time to time they would</p> <p>25 bring other people as well?</p> |
| <p style="text-align: right;">Page 396</p> <p>1 THE VIDEOGRAPHER: We're back on the</p> <p>2 record.</p> <p>3 BY MR. CRITTON:</p> <p>4 Q. Mr. Rodriguez, I want to turn to the --</p> <p>5 stay with the women who came to give or at least</p> <p>6 were called to give the massages.</p> <p>7 You were shown a number of message pads,</p> <p>8 I think Mr. Mermelstein who represents a number of</p> <p>9 -- or at least certainly Jane Doe 2 and some</p> <p>10 others, you were identified or shown a bunch of</p> <p>11 message pads that had I think in most instances</p> <p>12 your initials, A.R. Do you recall that?</p> <p>13 A. Yes, I do.</p> <p>14 Q. I think one of the individuals that you</p> <p>15 identified that called often was C.W.?</p> <p>16 A. Yes.</p> <p>17 Q. Which is one of Mr. Edwards' clients.</p> <p>18 This lady called on a regular basis, or</p> <p>19 at least from looking at your pad she would call</p> <p>20 on a pretty regular basis. Is that true?</p> <p>21 A. Yes.</p> <p>22 Q. And she and others who are reflected on</p> <p>23 those message pads, they were calling to come to</p> <p>24 give massages. Correct?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 398</p> <p>1 A. That's correct.</p> <p>2 Q. Both C.W. and T.M.?</p> <p>3 A. Yes.</p> <p>4 Q. Of the females that -- the women that</p> <p>5 came to the house, did you ever see anyone force</p> <p>6 any of these women onto the property?</p> <p>7 A. No, sir.</p> <p>8 Q. Did you ever see anyone force them into</p> <p>9 the house?</p> <p>10 A. No.</p> <p>11 Q. Did you ever see anyone force them into</p> <p>12 the kitchen?</p> <p>13 A. No, sir.</p> <p>14 Q. Did you ever use any force, any type of</p> <p>15 intimidation or coercion to bring them into the</p> <p>16 house and get them into the kitchen?</p> <p>17 A. No, sir.</p> <p>18 Q. Did you ever observe Ms. Kellen using any</p> <p>19 force or intimidation or coercion --</p> <p>20 A. No, I did not.</p> <p>21 Q. -- with any of these individuals?</p> <p>22 A. I did not.</p> <p>23 MR. EDWARDS: Object to the form.</p> <p>24 BY MR. EDWARDS:</p> <p>25 Q. Did Ms. M. -- let me use the initials</p>                                                                                                                       |

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| <p style="text-align: right;">Page 399</p> <p>1 that way it will show up correctly.<br/> 2 Did T.M. ever use from what you saw, did<br/> 3 she ever use any force or coercion or intimidation<br/> 4 with any of the women that she brought to the<br/> 5 house?<br/> 6 MR. HOROWITZ: Form.<br/> 7 MR. EDWARDS: Object to the form.<br/> 8 THE WITNESS: No, sir.<br/> 9 BY MR. CRITTON:<br/> 10 Q. Okay. I'm just talking about what you<br/> 11 observed during the time. And you know what I<br/> 12 mean by force?<br/> 13 A. Yes.<br/> 14 Q. You know what I mean by intimidation?<br/> 15 A. Yes.<br/> 16 Q. Could to be verbal intimidation or<br/> 17 coercion, either verbally or using some form of<br/> 18 her body, or their bodies.<br/> 19 A. Yeah, I understand that.<br/> 20 MR. EDWARDS: Form.<br/> 21 MR. HOROWITZ: Form.<br/> 22 MS. EZELL: Objection, form.<br/> 23 BY MR. CRITTON:<br/> 24 Q. When C.W. brought individuals to the<br/> 25 house, did you ever see her use any force or</p>            | <p style="text-align: right;">Page 401</p> <p>1 Q. Did any of them ever appear to be<br/> 2 frightened?<br/> 3 MR. HOROWITZ: Form.<br/> 4 THE WITNESS: No.<br/> 5 BY MR. CRITTON:<br/> 6 Q. Did any of the women appear to be<br/> 7 fearful?<br/> 8 A. No.<br/> 9 Q. Did any of them appear to be<br/> 10 uncomfortable in coming into the house?<br/> 11 MR. EDWARDS: Form.<br/> 12 THE WITNESS: No.<br/> 13 BY MR. CRITTON:<br/> 14 Q. At any time did any of them express to<br/> 15 you verbally that they were in fear when they came<br/> 16 into the house?<br/> 17 A. No, sir.<br/> 18 Q. Did any one of the fifteen girls that<br/> 19 came to the back door, then into the kitchen, and<br/> 20 prior to your leaving them in the kitchen say, Mr.<br/> 21 Rodriguez, or Alfredo, or sir, could you get me<br/> 22 out of here?<br/> 23 A. No, sir.<br/> 24 Q. Did any of them tell you verbally that<br/> 25 they were uncomfortable?</p>                                                                                |
| <p style="text-align: right;">Page 400</p> <p>1 intimidation or coercion from what you could<br/> 2 observe with those women who had come to give a<br/> 3 massage?<br/> 4 A. No.<br/> 5 MR. EDWARDS: Form.<br/> 6 MR. HOROWITZ: Form.<br/> 7 MS. EZELL: Form.<br/> 8 BY MR. CRITTON:<br/> 9 Q. With any of the fifteen women that you<br/> 10 observed who came to the home to give massages<br/> 11 during the time period '04 through I think you<br/> 12 said February of '05, the time period I think was<br/> 13 it August, Mr. Rodriguez --<br/> 14 A. August.<br/> 15 Q. -- August of '04 through February of '05?<br/> 16 A. March of '05.<br/> 17 Q. Through the beginning of March '05?<br/> 18 A. Yes.<br/> 19 Q. Okay. That's the time period I'm<br/> 20 focussing on.<br/> 21 Of the approximately fifteen women that<br/> 22 you came to see to give massages that you let in<br/> 23 the back door after punching the security code,<br/> 24 did any of them ever appear to be scared?<br/> 25 A. No.</p> | <p style="text-align: right;">Page 402</p> <p>1 A. No.<br/> 2 Q. Did anyone say help me or I'm scared?<br/> 3 A. No.<br/> 4 Q. Did all of them appear to be at least<br/> 5 when they came to the back door in a reasonably<br/> 6 good mood?<br/> 7 A. Yes.<br/> 8 Q. They all appeared to be happy?<br/> 9 A. Yes.<br/> 10 Q. Smile, I'd say interact with you verbally<br/> 11 in your greetings?<br/> 12 A. That's correct.<br/> 13 Q. Did any one of the fifteen girls that you<br/> 14 observed during the August '04 through March 2005<br/> 15 time period from your personal observation appear<br/> 16 to be there -- appear to be at the Epstein home<br/> 17 not voluntarily?<br/> 18 MR. EDWARDS: Object to the form.<br/> 19 MR. HOROWITZ: Object to the form.<br/> 20 THE WITNESS: No.<br/> 21 BY MR. CRITTON:<br/> 22 Q. Did any one of the fifteen women who came<br/> 23 to give the massage ever tell you that they had<br/> 24 been forced to come to the house or coerced into<br/> 25 coming to the house?</p> |

34 (Pages 399 to 402)



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| <p style="text-align: right;">Page 403</p> <p>1 A. No.</p> <p>2 MR. EDWARDS: Form.</p> <p>3 BY MR. CRITTON:</p> <p>4 Q. For those women -- I think I need -- let</p> <p>5 me strike that.</p> <p>6 On some occasions you'd see the women</p> <p>7 come down from upstairs because you would either</p> <p>8 let them out of the house or you might give them</p> <p>9 an envelope that had money in it. Is that</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. Did any of those -- Mr. Edwards asked you</p> <p>13 some questions -- I think it was Mr. Edwards,</p> <p>14 whether they had sat down and had anything to eat,</p> <p>15 whether they had cereal or anything like that.</p> <p>16 A. Yes.</p> <p>17 Q. Did you ever observe any of those women</p> <p>18 before they went upstairs eating anything at the</p> <p>19 house?</p> <p>20 A. Sometimes.</p> <p>21 Q. And I think he used -- he meaning Mr.</p> <p>22 Edwards, used cereal and ice cream.</p> <p>23 A. Yes.</p> <p>24 Q. And he said, if I recall from the last</p> <p>25 deposition, kids like ice cream.</p> | <p style="text-align: right;">Page 405</p> <p>1 them stop and have anything to eat or did you</p> <p>2 always see them at the end, that is they're ready</p> <p>3 to go?</p> <p>4 A. I didn't know, they came from downstairs,</p> <p>5 they went to the kitchen, but I didn't know they</p> <p>6 were there because I was in the guest house.</p> <p>7 Q. Okay, that's my question. You only</p> <p>8 observed them either if you heard conversation or</p> <p>9 Sarah had called you and said would you pay such</p> <p>10 and such?</p> <p>11 A. Yes.</p> <p>12 Q. At which time you would give them the</p> <p>13 envelope with money?</p> <p>14 A. Yes.</p> <p>15 Q. In that set of circumstances they were on</p> <p>16 their way basically to leave?</p> <p>17 A. Yes.</p> <p>18 Q. When you saw them leave did any of them</p> <p>19 at any time, any of the ones that you saw during</p> <p>20 August of '04 through March of '05 appear to you</p> <p>21 to be scared?</p> <p>22 A. No, sir.</p> <p>23 Q. Did any girls, women ever appear to have</p> <p>24 been injured in any way?</p> <p>25 MR. EDWARDS: Form.</p> |
| <p style="text-align: right;">Page 404</p> <p>1 A. Yes.</p> <p>2 Q. Do you remember him asking you that?</p> <p>3 A. Yes.</p> <p>4 Q. Are you familiar that teenagers like ice</p> <p>5 cream?</p> <p>6 A. Yes.</p> <p>7 Q. Are you familiar that people who are 20</p> <p>8 and 30 years old like ice cream?</p> <p>9 A. Yes.</p> <p>10 Q. Are you familiar that older people, even</p> <p>11 our age, Mr. Rodriguez, like ice cream too?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And when the individuals would sit</p> <p>14 there, and that is these women who would come over</p> <p>15 to give a massage and they would -- you would</p> <p>16 observe them eating, did they appear to be</p> <p>17 comfortable?</p>                                                                                                                                                                                                                                                                                                                                                                    | <p style="text-align: right;">Page 406</p> <p>1 THE WITNESS: No, sir.</p> <p>2 BY MR. CRITTON:</p> <p>3 Q. Did anyone appear to be in shock?</p> <p>4 A. No, sir.</p> <p>5 Q. Was anyone ever crying?</p> <p>6 A. No, sir.</p> <p>7 Q. Was anyone disheveled or appeared to be</p> <p>8 unhappy?</p> <p>9 A. No, sir.</p> <p>10 Q. Did all of them appear, that is the ones</p> <p>11 that you saw leave the house that you had an</p> <p>12 opportunity to observe during that time period,</p> <p>13 did they appear to be approximately the same</p> <p>14 personality, same demeanor that they had had when</p> <p>15 they came into the house?</p> <p>16 MR. HOROWITZ: Form.</p> <p>17 THE WITNESS: Yes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>18 A. Yes.</p> <p>19 MR. HOROWITZ: Form.</p> <p>20 BY MR. CRITTON:</p> <p>21 Q. Did they appear to be interacting with</p> <p>22 either you or the chef?</p> <p>23 A. Yes.</p> <p>24 Q. When any of those women would come over</p> <p>25 to give massage came downstairs, did you ever see</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>18 BY MR. CRITTON:</p> <p>19 Q. Did anyone ever tell you when they came</p> <p>20 down the stairs that they had been injured?</p> <p>21 A. No.</p> <p>22 Q. I'm talking about the young lady, the</p> <p>23 women who had given the massages that you saw</p> <p>24 actually leave the house, that is you had some</p> <p>25 interaction with, either some interaction as they</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

35 (Pages 403 to 406)

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| <p style="text-align: right;">Page 407</p> <p>1 were leaving the house, did anyone ever tell you<br/>2 that they had been injured?</p> <p>3 A. No, sir.</p> <p>4 Q. Did they ever tell you that they had been<br/>5 forced to do something against their will?</p> <p>6 A. No.</p> <p>7 Q. Did they ever tell you that they had been<br/>8 forced to do something inappropriate?</p> <p>9 A. No.</p> <p>10 Q. Did they ever tell you that they had been<br/>11 assaulted in any way?</p> <p>12 A. No.</p> <p>13 Q. Did they ever tell you that they had been<br/>14 inappropriately touched?</p> <p>15 A. No.</p> <p>16 MR. HOROWITZ: Form. This is a<br/>17 cumulative. He's already told you the<br/>18 limited contact he had. This is totally<br/>19 inappropriate line of questions.</p> <p>20 MR. CRITTON: Is that a form objection?</p> <p>21 MR. HOROWITZ: You're exceeding the scope<br/>22 of the direct because nobody asked him --</p> <p>23 MR. CRITTON: Form, you get form in<br/>24 federal court, that's what you get. Give me<br/>25 your form.</p> | <p style="text-align: right;">Page 409</p> <p>1 MR. EDWARDS: Form.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MR. CRITTON:</p> <p>4 Q. Did you ever hear anyone yell rape or<br/>5 assault or battery?</p> <p>6 MR. HOROWITZ: Form.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MR. CRITTON:</p> <p>9 Q. Did you ever hear anyone yell out in<br/>10 anger?</p> <p>11 A. No.</p> <p>12 Q. You've gone online, Mr. Rodriguez, and<br/>13 looked at various articles or postings that have<br/>14 been made regarding these cases. Is that a fair<br/>15 statement?</p> <p>16 A. I'm sorry?</p> <p>17 Q. If I understood your testimony from July<br/>18 29th and a little bit today, is that you've gone<br/>19 online and read some articles and/or what the<br/>20 police report may have said, that is, you've read<br/>21 information that you've -- about these lawsuits<br/>22 after the time that you left Mr. Epstein's<br/>23 employment.</p> <p>24 A. Yes.</p> <p>25 Q. Correct?</p> |
| <p style="text-align: right;">Page 408</p> <p>1 MR. HOROWITZ: Form, cumulative.</p> <p>2 MR. CRITTON: Great. Why don't you let<br/>3 me finish the question and then you can<br/>4 object to it.</p> <p>5 Could you give me back what my last<br/>6 question was, please?</p> <p>7 (Thereupon, a portion of the record was<br/>8 read by the reporter.)</p> <p>9 THE WITNESS: No.</p> <p>10 BY MR. CRITTON:</p> <p>11 Q. Did they ever tell you that they had been<br/>12 sexually assaulted in any way?</p> <p>13 MR. EDWARDS: Form.</p> <p>14 MR. HOROWITZ: Form.</p> <p>15 THE WITNESS: No.</p> <p>16 BY MR. CRITTON:</p> <p>17 Q. I'm sorry?</p> <p>18 A. No.</p> <p>19 Q. At any time did you hear anyone -- strike<br/>20 that.</p> <p>21 As to the women who came to give a<br/>22 massage, did you ever hear anyone scream?</p> <p>23 A. No, sir.</p> <p>24 Q. Did you ever hear anyone cry out what<br/>25 sounded like to you help?</p>                                                                                                                    | <p style="text-align: right;">Page 410</p> <p>1 A. Yes.</p> <p>2 Q. And, therefore, you have at least seen<br/>3 certain allegations and what people say occurred,<br/>4 or at least their recitation of what may have<br/>5 occurred at Mr. Epstein's home.</p> <p>6 A. Yes.</p> <p>7 Q. You have no personal knowledge one way or<br/>8 the other.</p> <p>9 MR. HOROWITZ: Object to the form.</p> <p>10 MR. EDWARDS: Form.</p> <p>11 BY MR. CRITTON:</p> <p>12 Q. Correct?</p> <p>13 A. That's correct.</p> <p>14 Q. Are you also aware that the individuals<br/>15 who have filed lawsuits want in some instance<br/>16 millions of dollars?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Are you aware that some of them<br/>19 are now claiming that they were sexually<br/>20 assaulted?</p> <p>21 A. Yes.</p> <p>22 Q. And battered?</p> <p>23 A. Yes.</p> <p>24 Q. And you have no information, no personal<br/>25 knowledge in that regard. Is that true?</p>                     |

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| <p style="text-align: right;">Page 411</p> <p>1 A. Yes.</p> <p>2 MR. EDWARDS: Form.</p> <p>3 MR. HOROWITZ: Form.</p> <p>4 BY MR. CRITTON:</p> <p>5 Q. All right. Were you aware of the</p> <p>6 backgrounds of any of these women who came over to</p> <p>7 give massages?</p> <p>8 MR. HOROWITZ: Form.</p> <p>9 THE WITNESS: No, sir.</p> <p>10 BY MR. CRITTON:</p> <p>11 Q. Well, have you -- did any one of the</p> <p>12 females who ever came to give massages, did they</p> <p>13 ever tell you that they were prostitutes?</p> <p>14 A. No, sir.</p> <p>15 Q. Did they ever tell you that they had been</p> <p>16 lead into a life of prostitution?</p> <p>17 MR. HOROWITZ: Form.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MR. CRITTON:</p> <p>20 Q. Did they ever tell you about their family</p> <p>21 life, whether it involved prostitution, abuse,</p> <p>22 prior posttraumatic stress syndrome, drugs,</p> <p>23 alcohol, abuse by individuals, physical abuse as</p> <p>24 well as verbal abuse?</p> <p>25 A. No, they didn't tell me.</p>                                            | <p style="text-align: right;">Page 413</p> <p>1 the property in your car?</p> <p>2 A. I was pulling over from Publix so I</p> <p>3 turned around and I went to the police and say --</p> <p>4 Q. Okay. You were coming back to the home</p> <p>5 when you saw that car there?</p> <p>6 A. Exactly.</p> <p>7 Q. And they sent -- they, the police, sent a</p> <p>8 police car with you to come there?</p> <p>9 A. Yes.</p> <p>10 Q. Did you and the police officer walk up to</p> <p>11 the car?</p> <p>12 A. The police went first.</p> <p>13 Q. All right. And if I understand that,</p> <p>14 that was in January of '05?</p> <p>15 A. Yes.</p> <p>16 Q. And when you did that then did you follow</p> <p>17 behind the police officer to see who was in the</p> <p>18 car?</p> <p>19 A. Yes.</p> <p>20 Q. And then you recognized that as [REDACTED]?</p> <p>21 A. Yes.</p> <p>22 Q. And [REDACTED] said she had come back or was</p> <p>23 there to get some money?</p> <p>24 A. Yes.</p> <p>25 Q. And did you in fact give her money?</p>                                                                       |
| <p style="text-align: right;">Page 412</p> <p>1 Q. And, obviously, you have no personal</p> <p>2 knowledge one way or the other --</p> <p>3 A. No, sir.</p> <p>4 Q. -- with regard to what their backgrounds</p> <p>5 were before they ever met or came in contact with</p> <p>6 Mr. Epstein?</p> <p>7 A. No, sir.</p> <p>8 Q. Did any person, female, who came to give</p> <p>9 a massage at the Epstein home, did anyone ever</p> <p>10 come downstairs and say, Mr. Rodriguez, or sir,</p> <p>11 call the police?</p> <p>12 MR. EDWARDS: Form.</p> <p>13 MR. HOROWITZ: Form.</p> <p>14 THE WITNESS: No, sir.</p> <p>15 BY MR. CRITTON:</p> <p>16 Q. I think you said on one occasion you saw</p> <p>17 <del>someone parked in a vehicle inside the gate that</del></p> <p>18 <del>you didn't recognize.</del></p> <p>19 A. Exactly.</p> <p>20 Q. You called the police?</p> <p>21 A. Yes, I did.</p> <p>22 Q. Did you go to the police or you called</p> <p>23 the police and they came?</p> <p>24 A. I went to the police department.</p> <p>25 Q. So how did you -- did you actually leave</p> | <p style="text-align: right;">Page 414</p> <p>1 A. Yes, I did.</p> <p>2 Q. And I think you said you told the police</p> <p>3 officer you recognized her?</p> <p>4 A. Yes.</p> <p>5 Q. Did you have to get permission to pay her</p> <p>6 or did you just pay her?</p> <p>7 A. No, because Sarah told me already but I</p> <p>8 forgot she was going to be that late, so that was</p> <p>9 my concern in calling the police.</p> <p>10 Q. Okay. And that person who came, do you</p> <p>11 have any idea what her age was at that time?</p> <p>12 A. That night?</p> <p>13 Q. Right, January of '08.</p> <p>14 A. No, no.</p> <p>15 Q. I'm sorry, January of '05.</p> <p>16 A. No.</p> <p>17 <del>Q. You mentioned some conversations that you</del></p> <p>18 <del>had had with Louella who was I think she was one</del></p> <p>19 <del>of the house -- the main housekeeper.</del></p> <p>20 A. Yes.</p> <p>21 Q. And Louella told you a number of thoughts</p> <p>22 that she had. Is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And as to Louella what she told you about</p> <p>25 -- let me strike that.</p> |

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| <p style="text-align: right;">Page 415</p> <p>1 I think you told us, you were asked</p> <p>2 questions about sex toys, I think you certainly</p> <p>3 described the back massagers. Correct?</p> <p>4 A. Yes.</p> <p>5 Q. I think you said the only sex toys that</p> <p>6 you ever saw were in the armoire at the end of Mr.</p> <p>7 Epstein's bed.</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And whatever other sex toys that</p> <p>10 to which there was a reference, that's something</p> <p>11 that Louella told you. Is that correct?</p> <p>12 A. That's correct.</p> <p>13 Q. You were asked at the last deposition, I</p> <p>14 don't remember who asked the question, but whether</p> <p>15 you had ever seen pornography on any computer. I</p> <p>16 think one of your responses was you saw some</p> <p>17 photos of a naked woman who appeared to you to be</p> <p>18 a model.</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Do you consider every photograph,</p> <p>21 picture, painting of a naked nude woman to be</p> <p>22 pornography?</p> <p>23 MR. HOROWITZ: Form.</p> <p>24 MS. EZELL: Objection, form.</p> <p>25 THE WITNESS: I consider -- well, if it's</p> | <p style="text-align: right;">Page 417</p> <p>1 A. To bring the pictures from my computer?</p> <p>2 Q. Let me rephrase the question. I thought</p> <p>3 what you said last time was that as to the</p> <p>4 pictures that you did see of naked women -- of a</p> <p>5 naked woman or naked women on the computer, that</p> <p>6 you've looked at those photographs through your</p> <p>7 computer.</p> <p>8 A. No.</p> <p>9 Q. Okay. Then I may have misunderstood you.</p> <p>10 Was your reference to Ms. Maxwell's computer that</p> <p>11 you made at the last deposition?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Your computer that you had either</p> <p>14 in the staff house or that you --</p> <p>15 A. Didn't access.</p> <p>16 Q. You couldn't access those files?</p> <p>17 A. That's correct.</p> <p>18 Q. All right, now I'm with you. So the</p> <p>19 photographs you've talked of the nude individuals,</p> <p>20 or the naked women, were the photographs that</p> <p>21 we've already talked about with both, i.e., in</p> <p>22 Ms. Maxwell's computer?</p> <p>23 A. Yes.</p> <p>24 Q. Thank you for clearing that up.</p> <p>25 I'm going to ask you to assume that C.W.</p> |
| <p style="text-align: right;">Page 416</p> <p>1 a frontal picture it's pornography, I will</p> <p>2 look at my way.</p> <p>3 BY MR. CRITTON:</p> <p>4 Q. In your view?</p> <p>5 A. Yes.</p> <p>6 Q. So if you looked at -- I don't remember</p> <p>7 whether Playboy still has -- say a Playboy that</p> <p>8 has a frontal nudity shot of a woman, you would in</p> <p>9 essence say that Playboy is selling pornography?</p> <p>10 A. Yes.</p> <p>11 Q. Therefore, every person who buys a</p> <p>12 Playboy that has over the last umpteen tens of</p> <p>13 years that has a frontal picture of a woman in the</p> <p>14 nude would be purchasing pornography whether it's</p> <p>15 from CVS, or Walgreens, or Eckerd as they existed,</p> <p>16 or any grocery store that sells them?</p> <p>17 A. Yes.</p> <p>18 MS. EZELL: Objection, form.</p> <p>19 MR. EDWARDS: Form.</p> <p>20 MR. HOROWITZ: Form.</p> <p>21 BY MR. CRITTON:</p> <p>22 Q. The photographs -- I'm sorry, the</p> <p>23 pictures that you saw in the computer, I think you</p> <p>24 were able to draw those up or bring those up from</p> <p>25 your own computer.</p>                        | <p style="text-align: right;">Page 418</p> <p>1 who you've described as having come to Mr.</p> <p>2 Epstein's house on three or four times a week for</p> <p>3 a period of time, one of her claims in this case</p> <p>4 is that she has been emotionally traumatized by</p> <p>5 her contact with Mr. Epstein. Just assume that to</p> <p>6 be true for purposes of this question.</p> <p>7 Did you ever observe any what you would</p> <p>8 have seen as emotional trauma or any type of</p> <p>9 disturbance with C.W. on the many times she came</p> <p>10 to your house?</p> <p>11 MR. EDWARDS: Form.</p> <p>12 THE WITNESS: I didn't see any.</p> <p>13 BY MR. CRITTON:</p> <p>14 Q. Does it make sense to you that a person</p> <p>15 who claims emotional trauma would continue to come</p> <p>16 back to the house, does that make sense to you,</p> <p>17 sir?</p> <p>18 MR. EDWARDS: Form.</p> <p>19 MR. HOROWITZ: Form.</p> <p>20 MR. WILLITS: Object to the form of the</p> <p>21 question.</p> <p>22 THE WITNESS: I'm not a psychologist.</p> <p>23 MR. EDWARDS: Can you state your answer,</p> <p>24 I didn't hear it?</p> <p>25 THE WITNESS: Yeah, I'm not a</p>                |

38 (Pages 415 to 418)



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 419</p> <p>1 psychologist, I don't know.<br/> 2 MR. CRITTON: I have no further<br/> 3 questions.<br/> 4 REDIRECT EXAMINATION<br/> 5 BY MR. EDWARDS:<br/> 6 Q. Mr. Rodriguez, I don't know if we covered<br/> 7 this last time, I think that we did not, but can<br/> 8 you tell us during the period of time when you<br/> 9 worked at that house at El Brillo, Mr. Epstein's,<br/> 10 what cars did he own or were in the driveway?<br/> 11 A. We have two Suburbans, two Mercedes 600,<br/> 12 and a Cobra, and a motorcycle.<br/> 13 Q. And which, if any, did he drive?<br/> 14 A. He preferred the Mercedes or any of the<br/> 15 Suburbans.<br/> 16 Q. All right. Do you know where he owns<br/> 17 homes?<br/> 18 A. Yes.<br/> 19 Q. Where?<br/> 20 MR. CRITTON: Form.<br/> 21 THE WITNESS: Paris, New York City, El<br/> 22 Brillo, Saint James Island -- I'm sorry, an<br/> 23 Island in the Caribbean, and a ranch in New<br/> 24 Mexico.<br/> 25 BY MR. EDWARDS:</p>                                                | <p style="text-align: right;">Page 421</p> <p>1 Q. What's the address?<br/> 2 A. 22 Foch Avenue, Paris. F-O-C-H.<br/> 3 Q. Okay. Do you know a telephone number for<br/> 4 Balsone?<br/> 5 A. No, I don't remember, sir.<br/> 6 Q. All right. How did it come up that you<br/> 7 talked to him about whether or not Mr. Epstein had<br/> 8 massages at that house?<br/> 9 A. He came on two occasions and stay with me<br/> 10 for a week because Mr. Epstein wanted me to get<br/> 11 into his style of running the house, and he was<br/> 12 good enough to give me some inside information,<br/> 13 what he likes and doesn't like, so he told me the<br/> 14 same thing was in Paris.<br/> 15 Q. And I think that you described Mr.<br/> 16 Epstein usually had about two massages a day, or<br/> 17 at least we were calling them massages.<br/> 18 A. Yes, sir.<br/> 19 MR. CRITTON: Form.<br/> 20 BY MR. EDWARDS:<br/> 21 Q. And did Mr. Balsone describe it in a<br/> 22 similar fashion --<br/> 23 A. Yes.<br/> 24 Q. -- in Paris?<br/> 25 And did he also tell you that the girls</p> |
| <p style="text-align: right;">Page 420</p> <p>1 Q. Have you been to any of the other<br/> 2 properties?<br/> 3 A. No.<br/> 4 Q. Do you know the house managers at any of<br/> 5 the other properties?<br/> 6 A. Yes.<br/> 7 Q. And who are they?<br/> 8 A. Balsone in Paris, good friend of mine<br/> 9 from Brazil. And the people in New York give me<br/> 10 the briefing when I came aboard. There is a<br/> 11 couple from the Philippines. And I talked to the<br/> 12 couple that used to own the Island -- I mean who<br/> 13 used to manage the Island, a couple from South<br/> 14 African. Balsone was closer to me.<br/> 15 Q. Have you talked to Balsone about whether<br/> 16 or not Mr. Epstein has massages when he is at that<br/> 17 place?<br/> 18 A. Yes, I did.<br/> 19 Q. And what did he say about that?<br/> 20 A. That he had a lot of massages over there<br/> 21 too.<br/> 22 MR. CRITTON: Mr. Balsone was which one?<br/> 23 THE WITNESS: Baslone was the house<br/> 24 manager of Paris, 22 Foch Avenue.<br/> 25 BY MR. EDWARDS:</p> | <p style="text-align: right;">Page 422</p> <p>1 were very young in age that he was receiving these<br/> 2 massages from?<br/> 3 MR. CRITTON: Form.<br/> 4 THE WITNESS: Yes.<br/> 5 BY MR. EDWARDS:<br/> 6 Q. Did he indicate whether or not -- or how<br/> 7 old these girls were?<br/> 8 A. No, he didn't told me.<br/> 9 Q. Just that the age group was similar to<br/> 10 the age group that he was interested in in Palm<br/> 11 Beach?<br/> 12 MR. EDWARDS: Form.<br/> 13 THE WITNESS: Yes.<br/> 14 BY MR. EDWARDS:<br/> 15 Q. And did you talk to any of the house<br/> 16 managers in New York?<br/> 17 A. No.<br/> 18 Q. Who was the house manager in New York at<br/> 19 the time when you were the house manager at El<br/> 20 Brillo?<br/> 21 A. His nickname was Jo-Jo, but I don't<br/> 22 remember. Jo-Jo and his wife, but I don't<br/> 23 remember his name, sir.<br/> 24 Q. Do you know whether Mr. Epstein would<br/> 25 have massages when he was in New York at his New</p>                                                                                                 |

39 (Pages 419 to 422)



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VIRGINIA L. GIUFFRE,  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
Defendant.  
-----X

15-cv-07433-RWS

**DEFENDANT’S REPLY IN SUPPORT OF MOTION *IN LIMINE* TO EXCLUDE *IN TOTO* CERTAIN DEPOSITIONS DESIGNATED BY PLAINTIFF FOR USE AT TRIAL**

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Ty Gee  
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Defendant Ghislaine Maxwell (“Ms. Maxwell”) files her Reply in Support of the Motion in Limine to Exclude In Toto certain depositions designated by Plaintiff for use at trial and states as follows:

**I. PLAINTIFF CANNOT SATISFY THE LEGAL REQUIREMENTS FOR USE OF CERTAIN DEPOSITIONS AT TRIAL**

**A. Jeffrey Epstein and Ronald Rizzo Are Not Unavailable**

Plaintiff cannot claim that Jeffery Epstein and Ronald Rizzo are “unavailable witnesses” whose testimony can be presented by deposition at trial under Rule 34 of the Federal Rules of Civil Procedure. She admits she simply had not, prior to designating testimony, even attempted to serve these witnesses or obtain their attendance at trial. She has now obtained an agreement to accept service by Mr. Epstein’s counsel, mooted any claim that he is unavailable.<sup>1</sup> With respect to Mr. Rizzo, she concedes he resides within 100 miles of the courthouse, and provides no basis to claim that he cannot be served. Based on these confessions, the Motion in Limine to exclude the use of the designated portions of these depositions in toto must be granted.

**B. As a Retained Expert, Phillip Esplin Cannot Be Deemed Unavailable**

Plaintiff’s argument concerning Phillip Esplin fails to acknowledge or even address the cases cited that *require* that prior to being permitted to use prior sworn testimony of an expert witness she must carry the affirmative burden on proving: 1) Plaintiff “attempt[ed] to secure the voluntary [trial] attendance of a witness who lives beyond the subpoena power of the court” and 2) that no similar expert is available. *Carter-Wallace, Inc. v. Otte*, 474 F.2d 529, 536 (2d Cir. 1972). Plaintiff cannot carry this burden, requiring that the Motion in Limine be granted.

---

<sup>1</sup> Issues concerning if Mr. Epstein should be required to appear to invoke this fifth amendment rights will be addressed in Response to Plaintiff’s Motion to Present Testimony from Jeffrey Epstein for Purposes of Obtaining an Adverse Inference.

Plaintiff's misplaced argument that Ms. Maxwell is somehow required to make Dr. Esplin available at trial violates the fundamental rules of trial and the requirements for *rebuttal* witnesses. Of course, at this point, Ms. Maxwell does not know information Plaintiff may present in her case-in-chief. Ms. Maxwell has filed well-founded motions *in limine* to exclude the testimony of both Dr. Kliman and Professor Coonan prohibiting from providing their credibility and vouching opinions. This is the subject matter of Dr. Esplin's rebuttal report which explains that there is no reliable or scientific methodology by which an expert could reliably come to such opinions. Of course, if the improper testimony by Dr. Kliman and Professor Coonan is excluded, as it should be, there will be nothing for Dr. Esplin to "rebut" and he will not be called as a witness in the defense case-in-chief. In light of the well settled rules that a rebuttal expert is "intended solely to contradict or rebut evidence on the same subject matter identified" in the expert report of another party, there would be no basis to for Dr. Esplin to testify if Kliman and Coonan are excluded. Fed. R. Civ. P. 26(a)(2)(C)(ii). Moreover, because Dr. Esplin is a designated *rebuttal* expert, it is entirely improper to have any portion of his opinions or testimony presented in the Plaintiff's case in chief. *See Lindner v. Meadow Gold Dairies, Inc.*, 249 F.R.D. 625, 636 (D. Hawaii 2008) (holding that individuals designated only as rebuttal experts could present limited testimony, *could not testify as part of a party's case-in-chief*, and would not be allowed to testify "unless and until" the experts they were designated to rebut testified at trial); *Johnson v. Grays Harbor Cmty. Hosp.*, No. C06-5502BHS, 2007 WL 4510313, at \*2 (W.D.Wash. Dec. 18, 2007) (finding that experts designated as rebuttal witnesses would "be permitted only to offer rebuttal testimony at trial"). Plaintiff also fails to explain how the designated testimony could be deemed permissible given that the questions posed were all

outside of the scope of Dr. Esplin's opinion. While Plaintiff may wish to waive this requirement of the rules of procedure and evidence, Ms. Maxwell does not.

Regardless, any decisions Ms. Maxwell and the undersigned counsel decide to make concerning their presentation of the defense and which witness to call is ours alone to make. There is no requirement that a party call a designated expert to testify if they choose not to do so at the time of trial. Such strategic decisions are solely in the province of the parties and their counsel. If Dr. Esplin is presented as a rebuttal witness by the defense, he will appear live. If he is not, then there is no rebuttal witness, and none to cross examine.

**II. [REDACTED] WAS NOT PROPERLY "REFRESHED" AND THE READING OF THE HEARSAY POLICE REPORT IS INADMISSABLE**

The use of the deposition testimony of [REDACTED], and the reading or summary of hearsay statement in the Police Report sought to be admitted through counsel's questions is simply improper. As a small sampling of the designated testimony makes clear, there was no proper "refreshing" of recollection:

Q. Do you remember how old you were when you met Jeffrey Epstein?

A. Sixteen or 17.

Q. Okay. And have you reviewed –

A. I may have been 15. I don't recall. I apologize.

Q. If you told the police officer 16, you were telling the truth?

A. At the time, they were fresh.

...

Q. Okay. After speaking to the police or while speaking to the police, do you remember telling them that you're not safe because you're talking about this?

MR. PAGLIUCA: Object to form and foundation.

THE WITNESS: Yes.

BY MR. EDWARDS:

Q. And that you had heard Jeffrey Epstein making threats to people on the telephone?

MR. PAGLIUCA: Object to form and foundation.

THE WITNESS: Yes. He wasn't always friendly  
*See Menninger Decl., Ex. F, 10:6-14; 43:15-44:4*

As explained in in Wright & Miller, Federal Practice and Procedures, the use of a document during testimony to refresh recollections is limited:

The law also places limits on how counsel and the witness may use a writing to refresh memory. In the usual case counsel will hand the witness the writing, show counsel for the adverse parties a copy, and ask the witness to silently read the writing. Counsel then will ask the witness if the writing has refreshed the witness' memory. If the witness responds in the affirmative, counsel will retrieve the writing and ask the witness to testify as to the matters on which the witness' memory was refreshed. Even where the witness claims a refreshed recollection, the court again has discretion to preclude further testimony if the circumstances suggest that the writing engendered a false memory. If the witness states that his recollection has not been refreshed, he cannot then testify as to the contents of the writing unless it is shown that the writing itself is admissible.

§ 6184 Refreshing Memory—Requirements and Procedures, 28 Fed. Prac. & Proc. Evid. § 6184 (2d ed.)(internal citations omitted); *see also Goings v. U.S.*, 377 F.2d 753, 759–762 (8th Cir. 1967) (trial court improperly permitted prosecutor to ask leading questions concerning contents of witness' written statement under the pretext of refreshing recollection but without laying the proper foundation; “[I]f a party can offer a previously given statement to substitute for a witness’s testimony under the guise of ‘refreshing recollection,’ the whole adversary system of trial must be revised. *The evil of this practice hardly merits discussion. The evil is no less when an attorney can read the statement in the presence of the jury and thereby substitute his spoken word for the written document.*”) (italics in original). *Gaines v. United States*, 349 F.2d 190, 192 (D.C. Cir. 1965)(error to allow prior written statement to be read to the witness in front of the jury for the purpose of refreshing recollection because “it was not necessary for counsel to read the statements aloud in the jury's presence. This is liable to cause the jury to consider their contents as evidence notwithstanding instructions to the contrary.”)

All testimony from [REDACTED] deposition based on leading questions summarizing her hearsay statements in the police report must be excluded.

With respect to the police report itself, this will obviously be a subject of a Motion in Limine. At this time, two points will suffice. Plaintiff's claim that she is not attempting to offer the police report for the truth of the matters asserted therein is farcical, which is evident in every briefing touching on the subject matter. Second, while the full 803(8) issue will be briefed, for present purposes we will simply point out that [REDACTED] (or any other witnesses statement contained in the report) will never be admissible unless there is a separate and independent hearsay exemptions for such statement. As the Second Circuit has clearly held:

"It is well established that entries in a police report which result from the officer's own observations and knowledge may be admitted *but that statements made by third persons under no business duty to report may not.*" *United States v. Pazsint*, 703 F.2d 420, 424 (9 Cir.1983) (emphasis in original).

*Parsons v. Honeywell, Inc.*, 929 F.2d 901, 907 (2d Cir. 1991)(quoting *United States v. Pazsint*, 703 F.2d 420, 424 (9[th] Cir.1983)).

Plaintiff does not address the objections to [REDACTED] deposition under Fed. R. Evid. 401, 402 and 602 based on lack of personal knowledge, or the issues concerning the improper leading of this witness. They should thus be deemed confessed and are not re-argued here.

**III. TESTIMONY AND STATEMENTS MADE IN OTHER MATTERS TO WHICH MS. MAXWELL WAS NOT A PARTY, WAS NOT PRESENT, HAD NO NOTICE, AND DID NOT PARTICIPATE CANNOT BE DESIGNATED IN THIS CASE**

Plaintiff does not seriously contest that the requirements of Fed. R. Civ. P. 32 and Fed. R. Evid. 804 cannot be met with respect to Mr. Rodriguez's deposition testimony. Indeed, the Plaintiff's Motions to Exclude Designation of Depositions Excerpts of Alan Dershowitz and Plaintiff argued this precise point. Ms. Maxwell was not a party to any of the litigations in which Mr. Rodriguez was deposed; Ms. Maxwell was neither present or given notice of the deposition.



Likewise, under Rule 32(a)(8), the subject matters of those litigations were completely different. The cases were personal claims against Mr. Epstein by various individuals. There could be no identity of issues between those matters and this case. Those cases were about personal claims against Mr. Epstein and had nothing to do with Ms. Maxwell. This case is about a *statement* by Ms. Maxwell's press agent *made over 6 years later*. There could be no motivations to develop similar testimony because the claims in this action by definition did not exist when the depositions was taken.

Mr. Epstein's counsel had no motive to discuss anything concerning Ms. Maxwell. He certainly had no motive to cross-examine Mr. Rodriguez regarding any interactions between Ms. Maxwell and Plaintiff given that Mr. Rodriguez had never met Plaintiff. The sheer lack of discussion of Ms. Maxwell, or follow up on any of the statements made concerning Ms. Maxwell makes clear there was simply no similar motive for Mr. Epstein's counsel to cross examine Mr. Rodriguez as Ms. Maxwell would have in this case.

Knowing that any argument for admission under Fed. R. Civ. P. 32 and Fed. R. Evid. 804 must fail, Plaintiff throws a Hail Mary and seeks admission of the testimony under the "Residual Hearsay" clause, 807. It is apparent that this is the new go-to for Plaintiff because of the serious evidentiary issues with the evidence she seeks to admit. Congress was very clear that it "intended that the residual hearsay exceptions will be used very rarely, and only in exceptional circumstances." Committee on the Judiciary, S.Rep.No.93-1277, Note to Paragraph (24), 28 U.S.C.A. Fed. R. Evid. p. 583 (1975). For this reason, it set very specific parameters that, none of which are satisfactorily met in the circumstances here.

- (1) the statement has equivalent circumstantial guarantees of trustworthiness;
- (2) it is offered as evidence of a material fact;

- (3) it is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts; and
- (4) admitting it will best serve the purposes of these rules and the interests of justice.

There is nothing trustworthy about Mr. Rodriguez or his statements. Mr. Rodriguez is a convicted criminal, and was convicted for obstruction of justice *based on the very testimony Plaintiff seeks to admit*. He either created evidence to use in those proceedings, or he hid evidence in them. Either way, his entire testimony is inherently untrustworthy.

Mr. Rodriguez has no knowledge of any fact material to this case. He flatly testifies that he had never heard or, met or seen the Plaintiff. He worked for Mr. Epstein over 2 years after Plaintiff left the country. Nothing Mr. Rodriguez could have possibly testified to, even if he was alive, has any bearing on any *material* fact.

Plaintiff's attempt to claim that Mr. Rodriguez's testimony "is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts" is at best disingenuous. Plaintiff has designated the testimony of Juan Alessi, Mr. Rodriguez's predecessor who held that position during the timeframe in which Plaintiff claims to have been held as a "sex slave" by Mr. Epstein. It simply defies logic to claim that Mr. Rodriguez' testimony would somehow be *more probative* than that of the person in his same position at the time Plaintiff alleges she was being held captive as a sex slave.

Finally, nothing about the testimony will best serve the purposes of the rules or evidence or justice. Mr. Rodriguez's testimony is nothing more than hearsay and speculation, as pointed out in the specific objections. The purpose of the rules is thwarted, not served, by the admission of any portion of this wholly irrelevant and improper testimony.

### CONCLUSION

For the forgoing reasons, and those set forth in the Defendant's Motion In Limine To Exclude In Toto Certain Depositions Designated By Plaintiff For Use At Trial, Ms. Maxwell requests that the relief requested therein be granted.

Dated: February 17, 2017

Respectfully submitted,

*/s/ Laura A. Menninger*

---

Laura A. Menninger (LM-1374)

Jeffrey S. Pagliuca (*pro hac vice*)

*Ty Gee (pro hac vice)*

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*Attorneys for Ghislaine Maxwell*

**CERTIFICATE OF SERVICE**

I certify that on February 17, 2017, I electronically served this *Defendant's Reply In Support Of Motion In Limine To Exclude In Toto Certain Depositions Designated By Plaintiff For Use At Trial* via ECF on the following:

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/s/ Nicole Simmons  
Nicole Simmons

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VIRGINIA L. GIUFFRE,  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
Defendant.  
-----X

15-cv-07433-RWS

**Declaration of Laura A. Menninger in Support of  
Defendant's Reply in Support of Motion *In Limine* To Exclude *In Toto*  
Certain Depositions Designated By Plaintiff For Use At Trial**

I, Laura A. Menninger, declare as follows:

1. I am an attorney at law duly licensed in the State of New York and admitted to practice in the United States District Court for the Southern District of New York. I am a member of the law firm Haddon, Morgan & Foreman, P.C., counsel of record for Defendant Ghislaine Maxwell in this action. I respectfully submit this Declaration in support of Ms. Maxwell's Reply to her Motion in Limine to Exclude In Toto Certain Depositions Designated by Plaintiff for Use at Trial.

2. Attached as Exhibit F (filed under seal) are true and correct copies of excerpts from the deposition of [REDACTED] on June 20, 2016, designated Confidential under the Protective Order.

Executed on February 17, 2017.

*s/ Laura A. Menninger*

---

Laura A. Menninger



### CERTIFICATE OF SERVICE

I certify that on February 17, 2017, I electronically served this *Declaration of Laura A. Menninger in Support of Defendant's Reply in Support of Motion in Limine to Exclude In Toto Certain Depositions Designated by Plaintiff for Use at Trial* via ECF on the following:

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/s/ Nicole Simmons

Nicole Simmons

# **EXHIBIT F**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

June 20, 2016

9:12 a.m.

C O N F I D E N T I A L

Deposition of [REDACTED] pursuant  
to notice, taken by Plaintiff, at the  
offices of Podhurst Orseck, 25 West  
Flagler Street, Suite 800, Miami, Florida,  
before Kelli Ann Willis, a Registered  
Professional Reporter, Certified Realtime  
Reporter and Notary Public within and  
for the State of Florida.

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A P P E A R A N C E S:

BOIES SCHILLER & FLEXNER, LLP

Attorneys for Plaintiff

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I N D E X

|                                          |    |
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| Police Interview                         |    |

1 [REDACTED] - CONFIDENTIAL

2 A. No, sir, I do not.

3 Q. Do you remember that the police officers  
4 tape-recorded the statement with you?

5 A. Vaguely, yes.

6 Q. Do you remember how old you were when you  
7 met Jeffrey Epstein?

8 A. Sixteen or 17.

9 Q. Okay. And have you reviewed --

10 A. I may have been 15. I don't recall. I  
11 apologize.

12 Q. If you told the police officer 16, you  
13 were telling the truth?

14 A. At the time, they were fresh.

15 MR. PAGLIUCA: Object to form and  
16 foundation.

17 THE WITNESS: The facts were fresh at the  
18 time. But 12 years later, I don't recall.

19 MR. PAGLIUCA: If you can just do a little  
20 pause in between his question and your answer.  
21 I need an opportunity to object to any form or  
22 foundation problem with his question.

23 THE WITNESS: Sure.

24 MR. PAGLIUCA: It helps the court reporter  
25 if the three of us are not talking at the same



1 [REDACTED] - CONFIDENTIAL

2 THE WITNESS: I do remember having several  
3 conversations about Bill Clinton and others.

4 BY MR. EDWARDS:

5 Q. What do you remember saying about Bill  
6 Clinton?

7 A. They went on a trip to Africa with Kevin  
8 Spacey and that it really -- there was nothing  
9 specific about Bill Clinton other than I think it  
10 was a trip where they -- it was very vague. It was  
11 implied that they enjoyed themselves, however that  
12 was.

13 There were specific things said about  
14 Spacey, but I cannot recall anything about Clinton.

15 Q. Okay. After speaking to the police or  
16 while speaking to the police, do you remember  
17 telling them that you're not safe because you're  
18 talking about this?

19 MR. PAGLIUCA: Object to form and  
20 foundation.

21 THE WITNESS: Yes.

22 BY MR. EDWARDS:

23 Q. And that you had heard Jeffrey Epstein  
24 making threats to people on the telephone?

25 MR. PAGLIUCA: Object to form and

1 [REDACTED] - CONFIDENTIAL

2 foundation.

3 THE WITNESS: Yes. He wasn't always  
4 friendly.

5 BY MR. EDWARDS:

6 Q. What type of threats do you remember  
7 hearing Jeffrey Epstein make to anyone?

8 A. Nothing specific. I do remember hostile  
9 conversations where he was upset with people, and I  
10 assumed that it was business and none of my  
11 business.

12 Q. Okay. You were asked by the detectives,  
13 "Things like, You're going to die; you're going to  
14 break your legs." And your response was: "All of  
15 the above."

16 MR. PAGLIUCA: Objection.

17 BY MR. EDWARDS:

18 Q. Do you remember those type of things?

19 MR. PAGLIUCA: Object to form and  
20 foundation.

21 THE WITNESS: Not specifically, no.

22 BY MR. EDWARDS:

23 Q. Do you remember where you were when you  
24 heard these conversations?

25 A. Most of the time he was on the phone when

1 [REDACTED] - CONFIDENTIAL

2 CERTIFICATE OF OATH

3 STATE OF FLORIDA )

4 COUNTY OF MIAMI-DADE )

5

6 I, the undersigned authority, certify that  
[REDACTED] personally appeared before me and  
was duly sworn.

7 WITNESS my hand and official seal this  
23rd day of June, 2016.

8

9

10 Kelli Ann Willis, RPR, CRR  
Notary Public, State of Florida  
Commission FF928291, Expires 2-16-20

11 + + + + + + + + + + + + + + + +

12 CERTIFICATE

13 STATE OF FLORIDA )

14 COUNTY OF MIAMI-DADE )

15 I, Kelli Ann Willis, Registered  
Professional Reporter and Certified Realtime  
16 Reporter do hereby certify that I was  
authorized to and did stenographically report the  
17 foregoing deposition of [REDACTED]; that a  
review of the transcript was not requested; and  
18 that the transcript is a true record of my  
stenographic notes.

19 I FURTHER CERTIFY that I am not a  
relative, employee, attorney, or counsel of any  
20 of the parties, nor am I a relative or employee of  
any of the parties' attorney or counsel connected  
21 with the action, nor am I financially interested  
in the action.

22 Dated this 23rd day of June, 2016.

23

24 KELLI ANN WILLIS, RPR, CRR

25

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

**PLAINTIFF'S MOTION TO COMPEL ALL WORK PRODUCT AND ATTORNEY  
CLIENT COMMUNICATIONS WITH PHILIP BARDEN**

Meredith Schultz  
BOIES, SCHILLER & FLEXNER LLP  
401 E. Las Olas Blvd., Suite 1200  
Ft. Lauderdale, FL 33301  
(954) 356-0011

Plaintiff Virginia Giuffre, argued in her Opposition to Summary Judgment that Defendant had waived her attorney-client and work-product privilege by submitting a lengthy self-serving affidavit by her attorney Philip Barden in support of her motion for Summary Judgment that discussed Mr. Barden's "intent" in allegedly being the main drafter of Defendant's January 2, 2015 press release. (DE 586 at p. 34) In Reply, Defendant conceded that in submitting Barden's declaration, she had waived the work-product privilege, but denied a waiver of the attorney-client privilege. (DE 620 at p. 11) Despite admitting that Mr. Barden waived the work-product privilege, Defendant failed to produce all other work product documents. This Motion seeks production of those documents along with production of all documents previously withheld on the ground of attorney-client privilege because those, too, were waived by Defendant's approval to submit Mr. Barden's self-serving declaration in support of Summary Judgment. Specifically, Ms. Giuffre, hereby moves this Court to Order Defendant to produce all work product documents (including any internal e-mail communications) and all attorney-client communications she has had with her attorney, Philip Barden, relating to his representation of her, as well as all documents drafted, edited, or considered by Philip Barden in relation to his representation of Ghislaine Maxwell, which would include, but not be limited to, those privileged documents Defendant listed on her privilege log and order Mr. Barden to sit for his deposition in New York relating to the subject matter of his waiver. *See* Schultz Dec. at Composite Exhibit 1.

## **I. BACKGROUND**

In her Motion for Summary Judgment, Defendant relies on a *post hoc*, self-serving Declaration ("Barden Declaration") from her English attorney Philip Barden. *See* Schultz Dec at Exhibit 2, Barden Declaration. Both the Declaration and the briefing for which it was drafted

reference Barden's "intent" (and other synonymous phrases) regarding his legal advice to Defendant *at least 62 times*. The Declaration also reveals attorney client legal advice given to Defendant, such as:

"I did not ask Ms. Maxwell to respond point by point...what we needed to do was..."  
(...)

Moreover, throughout (1) the Barden Declaration; (2) Defendant's summary judgment briefing; and (3) Defendant's attorney's statements at oral argument heard on February 16, 2017, Defendant represented to this Court that Barden issued the defamatory statement to the press. Defendant repeatedly made that false statement despite the fact that the documents show that Defendant authorized the statement and gave express approval to her press agent to publish the press release – not Barden – with Barden nowhere to be found on any of these communications. Defendant persists with this false representation not only despite the documents that prove otherwise, but also despite the fact that Defendant's press agent's sworn testimony states otherwise. Ross Gow testified that Defendant authorized the statement, "command[ed]" him to release it, and that Barden was wholly out of the loop during the lead up to Defendant's decision to publish her defamatory statement. Gow's testimony is backed up by the email communications among Defendant and Gow. Yet, despite both documentary and testimonial evidence that *Barden did not issue the defamatory statement to the press*, Defendant persists in making these representations to the Court. By submitting Barden's declaration, Defendant has clearly waived the privilege.

As the Court will recall, Defendant has claimed a privilege in this litigation as to all email communications between herself and Barden, claiming attorney-client privilege, a privilege that this Court explicitly upheld. *See* DE 135 March 2, 2016 Opinion Granting in Part and Denying in Part Plaintiff's Motion to Compel for Improper Claim of Privilege.



Significantly, Defendant attempts to blame the defamatory press release entirely on Barden. Giving false testimony at her deposition, in an evasive manner, Defendant said ***Barden was the one who actually released the defamatory statement***, pretending that she had nothing to do with it at all:

Q. Did you issue a statement to your press agent, Ross Gow in 2015, stating that Virginia Roberts' claims were, quote, obvious lies?

A. You need to reask me the question.

Q. Sure. Did you issue a press statement through your press agent, Ross Gow, in January of 2015, stating that Virginia Roberts' claims were, quote, obvious lies?

A. Can you ask it a different way, please?

(...)

Q. Did you issue a press statement through your press agent, Ross Gow, in January of 2015, where you stated that Virginia Roberts' claims were, quote, obvious lies?

A. So my lawyer, ***Philip Barden instructed Ross Gow to issue a statement.***

See Schultz Dec., Exhibit 3, Maxwell Depo. Tr. at 201:8-202:11.

Because of this denial in her sworn testimony (which was plainly untrue), Ms. Giuffre sought to depose her press agent to establish that Defendant (not her attorney or anyone else) authorized the release of the defamatory statement.

Months later, on the eve of his deposition, Ross Gow produced the “smoking gun” email in which Defendant explicitly “command[ed]” him to publish the defamatory statement. See Schultz Dec. at Exhibit 4, Defendant’s Email to Gow Authorizing Press Release. (As the Court is aware, Defendant defied this Court’s Order in her refusal to produce this email she sent Gow, despite it being responsive to multiple requests for production, and containing six court-ordered search terms.)

The next day, Gow testified that Defendant authorized the release of the defamatory material, and that Barden was not part of their discussions in the lead-up to its release. The documentary evidence – the emails exchanged between Defendant and Gow – supports this testimony:

Q. The subject line does have “FW” which to me indicates it’s a forward. Do you know where the rest of this email chain is?

A. My understanding of this is: It was a holiday in the UK, but *Mr. Barden was not necessarily accessible* at some point in time, so *this had been sent to him originally by Ms. Maxwell, and because he was unavailable, she forwarded it to me for immediate action*. I therefore respond, “Okay, Ghislaine, I’ll go with this.”

See Schultz Dec. at Exhibit 5, Gow Depo Tr. at 44:24-45:8

## II. LEGAL ARGUMENT

### **A. Defendant Must Produce All Documents And Communications Relating to the Waived Work Product And Sit For A Deposition.**

“The work-product doctrine is waived when documents are voluntarily shared with an adversary or when a party possessing the documents seeks to selectively present the materials to prove a point, but then attempts to invoke the privilege to prevent an opponent from challenging the assertion.” *Niagara Mohawk Power Corp. v. Stone & Webster Eng. Corp.*, 125 F.R.D. 578, 587 (S.D.N.Y.1989). “Generally, the work product privilege is waived when protected materials are disclosed in a manner which is either inconsistent with maintaining secrecy against opponents or substantially increases the opportunity for a potential adversary to obtain the protected information.” *Id.* at 590. Additionally, “[t]he work product privilege is waived when a party to a lawsuit uses it in an unfair way that is inconsistent with the principles underlying the doctrine of privilege. It is well settled that waiver may be imposed when the privilege-holder has attempted to use the privilege as both ‘sword’ and ‘shield.’” *Granite Partners, L.P. v. Bear Stearns & Co. Inc.*, 184 F.R.D. 49, 54 (S.D.N.Y.1999) (Sweet, D.J.); *see also Coleco Indus., Inc.*

*v. Universal City Studios, Inc.*, 110 F.R.D. 688, 691 (S.D.N.Y.1986) (Sweet, D.J.)

(“[Defendant’s] affidavit and attached work product were proffered as a ‘testimonial use’ of materials otherwise privileged. Fairness requires that discovery not be limited only to those documents which have selectively been disclosed.”).

When a party voluntarily waives its work product privilege in an attempt to use her attorney’s work product to her advantage, the party must also produce all related documents including drafts, e-mail communications relating to the work product, documents considered relating to the work product and any other materials created, received, used or considered relating in any way to Ms. Giuffre or this litigation, which is the very subject-matter of the disclosed work-product. *See, e.g., Hickman v. Taylor*, 329 U.S. 495, 511, 67 S. Ct. 385, 393, 91 L. Ed. 451 (1947) (work product includes “interviews, statements, memoranda, correspondence, briefs, mental impressions, personal beliefs, and countless other tangible and intangible ways”); *Comprehensive Habilitation Servs., Inc. v. Commerce Funding Corp.*, 240 F.R.D. 78, 87 (S.D.N.Y. 2006) (partial waiver of work product demanded waiver of all work-product related to the subject matter of the initial disclosure); *Coleco Indus., Inc. v. Universal City Studios, Inc.*, 110 F.R.D. 688 (S.D.N.Y. 1986) (finding defendant waived work-product privilege in disclosing documents that contained legal opinion of defendant's attorney in order to show reliance on attorney's advice, which also waived privilege for other documents containing work product on same issue); *cf. In re Sealed Case*, 676 F.2d 793, 817–18 (D.C. Cir. 1982) (disclosure required “when a party seeks greater advantage from its control over work product than the law must provide to maintain a healthy adversary system”).

As explained above, Defendant admitted in her reply brief to waiving the work product privilege with respect to Mr. Barden’s work for the Defendant relating to the issues in this case,

yet has failed to produce any of the related documents. Accordingly, Ms. Giuffre respectfully requests that this Court direct the Defendant to produce all work product documents, including but not limited to all drafts, e-mail communications relating to the work product, documents considered relating to the work product and any other materials created, received, used or considered that relate in any way to this litigation or Ms. Giuffre and direct Mr. Barden to sit for his deposition in New York.

**B. Defendant Waived Her Attorney Client Privilege By Submitting the Barden Declaration In Support of Her Motion for Summary Judgement.**

Just as with the work-product privilege, the attorney-client privilege cannot be used as a sword and a shield. *See, e.g., United States v. Bilzerian*, 926 F.2d 1285, 1292 (2d Cir. 1991) (“attorney-client privilege cannot at once be used as a shield and a sword”); *McGrath v. Nassau County Health Care Corp.*, 204 F.R.D. 240, 245 (E.D.N.Y.2001) (attorney-client privilege and work-product privilege are governed by the “same fairness concerns”); *Granite Partners*, 184 F.R.D. at 54 (Sweet J.) (“waiver may be invoked where ‘a litigant makes selective use of privileged materials, for example, by releasing only those portions of the material that are favorable to his position, while withholding unfavorable portions.’” (internal citations omitted)).

The Second Circuit has held that “the [attorney-client] privilege may be implicitly waived when [a party] asserts a claim that in fairness requires examination of protected communications.” *Bilzerian*, 926 F.2d at 1292. Thus, “even if the privilege holder does not attempt to make use of the privileged communication[,] he may waive the privilege if he makes factual assertions the truth of which can only be assessed by examination of the privileged communication.” *In re Kidder Peabody Secs. Litig.*, 168 F.R.D. 459, 470 (S.D.N.Y. 1996).

Moreover, countless district courts have found that the filing of privileged communications also waives the attorney-client privilege. *See Curto v. Med. World Commc'ns*,

*Inc.*, 783 F. Supp. 2d 373, 380 (E.D.N.Y. 2011) (waiver where party filed attorney-client communications on “publically-accessible electronic docket” and voluntarily sent copy to opposing counsel); *accord First Am. CoreLogic, Inc. v. Fiserv, Inc.*, 2010 WL 4975566, at \*2 (E.D.Tex. Dec. 2, 2010) (finding waiver of attorney-client privilege when party attached privileged communications to motion for protective order and served the documents on all parties); *Tardiff v. Knox Cnty.*, 2007 WL 2413033, at \*\*1–2 (D.Me. Aug. 21, 2007) (noting party's concession of waiver of attorney-client privilege when party submitted privileged email communications as an exhibit to court filing); *Malkovich v. Best Buy Enter. Servs., Inc.*, 2006 WL 1428228, at \*1 (D. Minn. May 22, 2006) (“By submitting the affidavit and accompanying exhibits, Plaintiff has waived the attorney-client privilege....”).

Defendant has withheld communications between herself and her attorney Mr. Barden on the basis of “attorney-client privilege.” That privilege was waived by her affirmative submission of Mr. Barden’s declaration which included references to attorney-client communications between Maxwell and Mr. Barden. Accordingly, all communications, whether they are logged or not, between Defendant and Mr. Barden and any related communications Defendant has withheld from production based on a claim of attorney- client privilege must be produced and the Court direct Mr. Barden to sit for a deposition in New York regarding this subject matter.

As articulated in Ms. Giuffre’s Response in Opposition to Defendant’s Motion for Summary Judgment, if the Court were to consider the Barden Declaration (which it should not), it would be ruling on a less than complete record because, based on this Declaration, it is necessary that Defendant disclose all communications with him and possibly others. Ms. Giuffre doesn’t have those communications, the Court doesn’t have those communications. It is highly prejudicial to allow Defendant to attempt to take advantage of a work product waiver through the

submission of Mr. Barden's declaration without producing **all** related work product documents and communications. As of yet, she has produced none.

### III. CONCLUSION

Ms. Giuffre respectfully requests the following relief: (1) As a result of the admitted waiver of the work-product privilege, the Court direct the Defendant and all parties she controls including Mr. Barden, to produce within ten (10) days all work product documents, including but not limited to all drafts, e-mail communications relating to the work product, documents considered relating to the work product and any other materials created, received, used or considered that relate in any way to this litigation or Ms. Giuffre and direct Mr. Barden to sit for a deposition in New York on this subject matter; and (2) As a result of submitting the Barden Declaration containing legal advice affirmatively in support of Defendant's Motion for Summary Judgment, the Court direct the Defendant, and all parties she controls including Mr. Barden, to produce within ten (10) days, all communications, whether they are logged or not, between Defendant and Mr. Barden and any related communications for which Defendant has withheld from production based on a claim of attorney client privilege and direct Mr. Barden to sit for a deposition in New York on this subject matter.

Dated: February 22, 2017

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Meredith Schultz  
Meredith Schultz (Pro Hac Vice)  
Sigrid McCawley (Pro Hac Vice)  
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---

<sup>1</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 22nd of February, 2017, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on the individuals identified below via transmission of Notices of Electronic Filing generated by CM/ECF.

Laura A. Menninger, Esq.  
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[jpagliuca@hmflaw.com](mailto:jpagliuca@hmflaw.com)

/s/ Meredith Schultz  
Meredith Schultz

**CERTIFICATE OF CONFERRAL**

Undersigned counsel certifies that she raised the failure to produce issue in opposition to Defendant's Summary Judgment and also raise it at oral argument with the Court. To date, Defendant has not produced any of the documents relating to her waiver of the work product or attorney client privilege.

/s/ Meredith Schultz  
Meredith Schultz

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,  
Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,  
  
Defendant.

\_\_\_\_\_ /

**DECLARATION OF MEREDITH SCHULTZ IN SUPPORT OF PLAINTIFF'S  
REPLY IN SUPPORT OF MOTION TO REOPEN DEFENDANT'S DEPOSITION  
BASED ON LATE PRODUCTION OF NEW, KEY DOCUMENTS**

I, Meredith Schultz, declare that the below is true and correct to the best of my knowledge as follows:

1. I am an associate with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's Order granting my Application to Appear Pro Hac Vice.

2. I respectfully submit this Declaration in Support of Plaintiff's Reply In Support of Motion to Reopen Defendant's Deposition Based on Late Production of New, Key Documents.

3. Attached hereto as Sealed Exhibit 1 is a true and correct copy of Excerpts from May 18, 2016, Deposition of Johanna Sjoborg.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Meredith Schultz  
Meredith Schultz, Esq.

Dated: October 28, 2016.

Respectfully Submitted,  
BOIES, SCHILLER & FLEXNER LLP

By: /s/ Meredith Schultz  
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Meredith Schultz (Pro Hac Vice)  
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---

<sup>1</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28th day of October, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

Laura A. Menninger, Esq.  
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[jpagliuca@hmflaw.com](mailto:jpagliuca@hmflaw.com)

/s/ Meredith Schultz  
\_\_\_\_\_  
Meredith Schultz



EXHIBIT 1  
(FILE UNDER SEAL)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----x

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----x

May 18, 2016

9:04 a.m.

C O N F I D E N T I A L

Deposition of JOHANNA SJOBERG, pursuant  
to notice, taken by Plaintiff, at the  
offices of Boies Schiller & Flexner, 401  
Las Olas Boulevard, Fort Lauderdale, Florida,  
before Kelli Ann Willis, a Registered  
Professional Reporter, Certified Realtime  
Reporter and Notary Public within and  
for the State of Florida.

1 talking on the phone about Frederic Fekkai?

2 A. Yes.

3 MS. MENNINGER: Objection, leading.

4 BY MS. McCAWLEY:

5 Q. What did you hear?

6 A. I heard him call someone, and say, Fekkai  
7 is in Hawaii. Can we find some girls for him?

8 Q. And what was your reaction to that?

9 A. Well, I was massaging and I didn't have a  
10 reaction. I tried to remain reactionless the whole  
11 five years.

12 Q. Did Jeffrey ever take you shopping?

13 A. Yes.

14 Q. Can you describe for me what happened?

15 A. Sure. He took me to Victoria's Secret. I  
16 believe he picked out everything and went into the  
17 room with me, the fitting room, which was very odd.

18 Q. Did he make any comments about being in  
19 the fitting room with you?

20 A. He joked that one time he was in there  
21 with another girl, and she said something like  
22 "Dad." But that's all I recall.

23 Q. Did Jeffrey ever talk to you -- let me  
24 back up a moment.

25 Have you ever been propositioned by anyone

1 to have a baby for someone?

2 A. Yes.

3 Q. And who propositioned you?

4 A. Jeffrey asked me.

5 Q. Did he ask you more than once?

6 A. Yes.

7 Q. And what did he say?

8 A. Basically just said, I want you to be the  
9 mother of my baby.

10 Q. And do you recall your response to that?

11 A. Um, I don't believe that I said flat-out  
12 no. I didn't agree to it. I would just say, Oh,  
13 yeah, really? Okay.

14 Q. Did you ever bring other girls over as  
15 Maxwell had requested?

16 MS. MENNINGER: Objection, leading,  
17 hearsay, form.

18 THE WITNESS: One time.

19 BY MS. McCAWLEY:

20 Q. Let me back up a minute, just to make it a  
21 clean question.

22 Did you ever bring friends over to massage  
23 Jeffrey?

24 A. No.

25 Q. And why did you not bring friends over to

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

**DECLARATION OF MEREDITH SCHULTZ IN SUPPORT OF  
PLAINTIFF'S MOTION TO COMPEL ALL WORK PRODUCT AND ATTORNEY  
CLIENT COMMUNICATIONS WITH PHILIP BARDEN**

I, Meredith Schultz, declare that the below is true and correct to the best of my knowledge as follows:

1. I am a Counsel with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's Order granting my Application to Appear Pro Hac Vice.
2. I respectfully submit this Declaration in Support of Plaintiff's Motion to Compel Communication All Work Product and Attorney Client Communications with Philip Barden.
3. Attached hereto as Sealed Composite Exhibit 1 is a true and correct copy of Defendant's February 9, 2016; May 16, 2016; and August 1, 2016 Privilege Log.
4. Attached hereto as Sealed Exhibit 2 is a true and correct copy of January 6, 2017, Declaration of Philip Barden.
5. Attached hereto as Sealed Exhibit 3 is a true and correct copy of Excerpts from April 22, 2016, Deposition of Ghislaine Maxwell.
6. Attached hereto as Sealed Exhibit 4 is a true and correct copy of January 2, 2015, E-mail Correspondence (RG(UK)\_00009).

7. Attached hereto as Sealed Exhibit 5 is a true and correct copy of Excerpts from November 18, 2016, Deposition of Ross Gow.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Meredith Schultz  
Meredith Schultz, Esq.



Dated: February 22, 2017.

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Meredith Schultz

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Sigrid McCawley (Pro Hac Vice)  
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---

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 22nd day of February, 2017, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

Laura A. Menninger, Esq.  
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/s/ Meredith Schultz  
Meredith Schultz

COMPOSITE  
EXHIBIT 1  
(FILE UNDER SEAL)

United States District Court  
For The Southern District of New York

*Giuffre v. Maxwell*  
15-cv-07433-RWS

\*\*\*Per Local Rule 26.2, the following privileges are asserted pursuant to British law, Colorado law and NY law.

| DATE                       | DOC. TYPE | FROM                | TO                                     | CC           | RELATIONSHIP OF PARTIES   | SUBJECT MATTER                 | PRIVILEGE                 |
|----------------------------|-----------|---------------------|----------------------------------------|--------------|---------------------------|--------------------------------|---------------------------|
| 2011.03.15                 | E-Mails   | Ghislaine Maxwell   | Brett Jaffe, Esq.                      |              | Attorney / Client         | Communication re: legal advice | Attorney-Client           |
| 2011.03.15                 | E-Mails   | Brett Jaffe, Esq.   | Ghislaine Maxwell                      |              | Attorney / Client         | Communication re: legal advice | Attorney-Client           |
| 2015.01.02                 | E-Mails   | Ross Gow            | Ghislaine Maxwell                      |              | Attorney Agent / Client   | Communication re: legal advice | Attorney-Client           |
| 2015.01.02                 | E-Mail    | Ghislaine Maxwell   | Ross Gow                               |              | Attorney Agent / Client   | Communication re: legal advice | Attorney-Client           |
| 2015.01.02                 | E-Mail    | Ross Gow            | Ghislaine Maxwell                      | Brian Basham | Attorney Agent / Client   | Communication re: legal advice | Attorney-Client           |
| 2015.01.06                 | E-Mail    | Ghislaine Maxwell   | Jeffrey Epstein                        |              | Common Interest           | Communication re: legal advice | Common Interest           |
| 2015.01.06                 | E-Mail    | Ghislaine Maxwell   | Jeffrey Epstein, Alan Dershowitz, Esq. |              | Attorney / Client         | Communication re: legal advice | Common Interest           |
| 2015.01.10                 | E-Mail    | Ghislaine Maxwell   | Philip Barden, Esq., Ross Gow          |              | Attorney / Client         | Communication re: legal advice | Attorney-Client           |
| 2015.01.10                 | E-Mail    | Ghislaine Maxwell   | Philip Barden, Esq.                    |              | Client / Attorney         | Communication re: legal advice | Attorney-Client           |
| 2015.01.09<br>2015.01.10   | E-Mails   | Ross Gow            | Philip Barden, Esq.                    | G. Maxwell   | Agent / Attorney / Client | Communication re: legal advice | Attorney-Client           |
| 2015.01.11                 | E-Mail    | Ghislaine Maxwell   | Jeffrey Epstein                        |              | Common Interest           | Communication re: legal advice | Common Interest           |
| 2015.01.11                 | E-Mail    | Philip Barden, Esq. | Ross Gow                               | G. Maxwell   | Attorney / Agent / Client | Communication re: legal advice | Attorney-Client           |
| 2015.01.11                 | E-Mail    | Philip Barden, Esq. | Ghislaine Maxwell                      | Ross Gow     | Attorney / Agent / Client | Communication re: legal advice | Attorney-Client           |
| 2015.01.11 –<br>2015.01.17 | E-Mails   | Jeffrey Epstein     | Ghislaine Maxwell                      |              | Common Interest           | Communication re: legal advice | Common Interest Privilege |

| DATE                    | DOC. TYPE | FROM                | TO                                        | CC         | RELATIONSHIP OF PARTIES   | SUBJECT MATTER                 | PRIVILEGE                 |
|-------------------------|-----------|---------------------|-------------------------------------------|------------|---------------------------|--------------------------------|---------------------------|
| 2015.01.13              | E-Mail    | Ghislaine Maxwell   | Jeffrey Epstein                           |            | Common Interest           | Communication re: legal advice | Common Interest Privilege |
| 2015.01.13              | E-Mail    | Philip Barden, Esq. | Martin Weinberg, Esq.                     |            | Common Interest           | Communication re: legal advice | Common Interest Privilege |
| 2015.01.13              | E-Mails   | Philip Barden, Esq. | Ghislaine Maxwell                         | Mark Cohen | Attorney / Client         | Communication re: legal advice | Attorney-Client           |
| 2015.01.21              | E-Mail    | Ross Gow            | Philip Barden, Esq.,<br>Ghislaine Maxwell |            | Agent / Attorney / Client | Communication re: legal advice | Attorney-Client           |
| 2015.01.21 - 2015.01.27 | E-Mails   | Jeffrey Epstein     | Ghislaine Maxwell                         |            | Common Interest           | Communication re: legal advice | Common Interest Privilege |
| 2015.01.21-2015.01.27   | E-Mails   | Ghislaine Maxwell   | Jeffrey Epstein                           |            | Common Interest           | Communication re: legal advice | Common Interest Privilege |

United States District Court  
For The Southern District of New York

*Giuffre v. Maxwell*  
15-cv-07433-RWS  
Ghislaire Maxwell's Privilege Log Amended as of May 16, 2016

\*\*\*Per Local Rule 26.2, the following privileges are asserted pursuant to British law, Colorado law and NY law.

| Log ID | DATE                     | DOC. TYPE | BATES #   | FROM                | TO                                     | CC           | RELATIONSHIP OF PARTIES   | SUBJECT MATTER                 | PRIVILEGE       |
|--------|--------------------------|-----------|-----------|---------------------|----------------------------------------|--------------|---------------------------|--------------------------------|-----------------|
| 1.     | 2011.03.15               | E-Mails   | 1000-1013 | Ghislaire Maxwell   | Brett Jaffe, Esq.                      |              | Attorney / Client         | Communication re: legal advice | Attorney-Client |
| 2.     | 2011.03.15               | E-Mails   | 1014-1019 | Brett Jaffe, Esq.   | Ghislaire Maxwell                      |              | Attorney / Client         | Communication re: legal advice | Attorney-Client |
| 3.     | 2015.01.02               | E-Mails   | 1020-1026 | Ross Gow            | Ghislaire Maxwell                      |              | Attorney Agent / Client   | Communication re: legal advice | Attorney-Client |
| 4.     | 2015.01.02               | E-Mail    | 1024-1026 | Ghislaire Maxwell   | Ross Gow                               |              | Attorney Agent / Client   | Communication re: legal advice | Attorney-Client |
| 5.     | 2015.01.02               | E-Mail    | 1027-1028 | Ross Gow            | Ghislaire Maxwell                      | Brian Basham | Attorney Agent / Client   | Communication re: legal advice | Attorney-Client |
| 6.     | 2015.01.06               | E-Mail    | 1029      | Ghislaire Maxwell   | Jeffrey Epstein                        |              | Common Interest           | Communication re: legal advice | Common Interest |
| 7.     | 2015.01.06               | E-Mail    | 1030-1043 | Ghislaire Maxwell   | Jeffrey Epstein, Alan Dershowitz, Esq. |              | Attorney / Client         | Communication re: legal advice | Common Interest |
| 8.     | 2015.01.10               | E-Mail    | 1044      | Ghislaire Maxwell   | Philip Barden, Esq., Ross Gow          |              | Attorney / Client         | Communication re: legal advice | Attorney-Client |
| 9.     | 2015.01.10               | E-Mail    | 1045-1051 | Ghislaire Maxwell   | Philip Barden, Esq.                    |              | Client / Attorney         | Communication re: legal advice | Attorney-Client |
| 10.    | 2015.01.09<br>2015.01.10 | E-Mails   | 1052-1055 | Ross Gow            | Philip Barden, Esq.                    | G. Maxwell   | Agent / Attorney / Client | Communication re: legal advice | Attorney-Client |
| 11.    | 2015.01.11               | E-Mail    | 1055-1058 | Ghislaire Maxwell   | Jeffrey Epstein                        |              | Common Interest           | Communication re: legal advice | Common Interest |
| 12.    | 2015.01.11               | E-Mail    | 1055-1058 | Philip Barden, Esq. | Ross Gow                               | G. Maxwell   | Attorney / Agent / Client | Communication re: legal advice | Attorney-Client |
| 13.    | 2015.01.11               | E-Mail    | 1056-1058 | Philip Barden, Esq. | Ghislaire Maxwell                      | Ross Gow     | Attorney / Agent / Client | Communication re: legal advice | Attorney-Client |



|     |                         |                              |                      |                                                    |                                                    |            |                                                    |                                                                                              |                                                  |
|-----|-------------------------|------------------------------|----------------------|----------------------------------------------------|----------------------------------------------------|------------|----------------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------------------------------|
| 14. | 2015.01.11 – 2015.01.17 | E-Mails                      | 1059-1083            | Jeffrey Epstein                                    | Ghislaire Maxwell                                  |            | Common Interest                                    | Communication re: legal advice                                                               | Common Interest Privilege                        |
| 15. | 2015.01.13              | E-Mail                       | 1067-1073            | Ghislaire Maxwell                                  | Jeffrey Epstein                                    |            | Common Interest                                    | Communication re: legal advice                                                               | Common Interest Privilege                        |
| 16. | 2015.01.13              | E-Mail                       | 1069-1073, 1076-1079 | Philip Barden, Esq.                                | Martin Weinberg, Esq.                              |            | Common Interest                                    | Communication re: legal advice                                                               | Common Interest Privilege                        |
| 17. | 2015.01.13              | E-Mails                      | 1068-1069, 1074-1076 | Philip Barden, Esq.                                | Ghislaire Maxwell                                  | Mark Cohen | Attorney / Client                                  | Communication re: legal advice                                                               | Attorney-Client                                  |
| 18. | 2015.01.21              | E-Mail                       | 1088-1090            | Ross Gow                                           | Philip Barden, Esq., Ghislaire Maxwell             |            | Agent / Attorney / Client                          | Communication re: legal advice                                                               | Attorney-Client                                  |
| 19. | 2015.01.21 - 2015.01.27 | E-Mails                      | 1084-1098            | Jeffrey Epstein                                    | Ghislaire Maxwell                                  |            | Common Interest                                    | Communication re: legal advice                                                               | Common Interest Privilege                        |
| 20. | 2015.01.21- 2015.01.27  | E-Mails                      | 1099                 | Ghislaire Maxwell                                  | Jeffrey Epstein                                    |            | Common Interest                                    | Communication re: legal advice                                                               | Common Interest Privilege                        |
| 21. | 2015.04.22              | E-mail                       | 7 pages              | Jeffrey Epstein                                    | Ghislaire Maxwell                                  |            | Common Interest                                    | Forwarding message from Martin Weinberg, labeled "Attorney-Client Privilege" with attachment | Common Interest Privilege                        |
| 22. | Various                 | E-mails                      |                      | Agent of Haddon, Morgan & Foreman; Laura Menninger | Agent of Haddon, Morgan & Foreman; Laura Menninger |            | Agent of attorney and Attorney                     | Attorney work product                                                                        | Attorney Work Product                            |
| 23. | Various                 | E-mails                      |                      | Mary Borja; Laura Menninger                        | Mary Borja; Laura Menninger                        |            | Attorney Work Product                              | Attorney work product                                                                        | Attorney Work Product                            |
| 24. | 2015.10.21 – 2015.10.22 | E-mail chain with attachment |                      | Darren Indyke; Laura Menninger                     | Darren Indyke; Laura Menninger                     |            | Attorneys for parties to Common Interest Agreement | Common Interest Agreement                                                                    | Attorney Work Product; Common Interest Privilege |

United States District Court  
For The Southern District of New York

*Giuffre v. Maxwell*  
15-cv-07433-RWS  
Ghislaine Maxwell's Privilege Log Amended as of August 1, 2016

\*\*\*Per Local Rule 26.2, the following privileges are asserted pursuant to British law, Colorado law and NY law.

| Log ID | DATE                    | DOC. TYPE | BATES #   | FROM                | TO                                     | CC           | RELATIONSHIP OF PARTIES   | SUBJECT MATTER                 | PRIVILEGE       |
|--------|-------------------------|-----------|-----------|---------------------|----------------------------------------|--------------|---------------------------|--------------------------------|-----------------|
| 1.     | 2011.03.15              | E-Mails   | 1000-1013 | Ghislaine Maxwell   | Brett Jaffe, Esq.                      |              | Attorney / Client         | Communication re: legal advice | Attorney-Client |
| 2.     | 2011.03.15              | E-Mails   | 1014-1019 | Brett Jaffe, Esq.   | Ghislaine Maxwell                      |              | Attorney / Client         | Communication re: legal advice | Attorney-Client |
| 3.     | 2015.01.02              | E-Mails   | 1020-1026 | Ross Gow            | Ghislaine Maxwell                      |              | Attorney Agent / Client   | Communication re: legal advice | Attorney-Client |
| 4.     | 2015.01.02              | E-Mail    | 1024-1026 | Ghislaine Maxwell   | Ross Gow                               |              | Attorney Agent / Client   | Communication re: legal advice | Attorney-Client |
| 5.     | 2015.01.02              | E-Mail    | 1027-1028 | Ross Gow            | Ghislaine Maxwell                      | Brian Basham | Attorney Agent / Client   | Communication re: legal advice | Attorney-Client |
| 6.     | 2015.01.06              | E-Mail    | 1029      | Ghislaine Maxwell   | Jeffrey Epstein                        |              | Common Interest           | Communication re: legal advice | Common Interest |
| 7.     | 2015.01.06              | E-Mail    | 1030-1043 | Ghislaine Maxwell   | Jeffrey Epstein, Alan Dershowitz, Esq. |              | Attorney / Client         | Communication re: legal advice | Common Interest |
| 8.     | 2015.01.10              | E-Mail    | 1044      | Ghislaine Maxwell   | Philip Barden, Esq., Ross Gow          |              | Attorney / Client         | Communication re: legal advice | Attorney-Client |
| 9.     | 2015.01.10              | E-Mail    | 1045-1051 | Ghislaine Maxwell   | Philip Barden, Esq.                    |              | Client / Attorney         | Communication re: legal advice | Attorney-Client |
| 10.    | 2015.01.09 - 2015.01.10 | E-Mails   | 1052-1055 | Ross Gow            | Philip Barden, Esq.                    | G. Maxwell   | Agent / Attorney / Client | Communication re: legal advice | Attorney-Client |
| 11.    | 2015.01.11              | E-Mail    | 1055-1058 | Ghislaine Maxwell   | Jeffrey Epstein                        |              | Common Interest           | Communication re: legal advice | Common Interest |
| 12.    | 2015.01.11              | E-Mail    | 1055-1058 | Philip Barden, Esq. | Ross Gow                               | G. Maxwell   | Attorney / Agent / Client | Communication re: legal advice | Attorney-Client |
| 13.    | 2015.01.11              | E-Mail    | 1056-1058 | Philip Barden, Esq. | Ghislaine Maxwell                      | Ross Gow     | Attorney / Agent / Client | Communication re: legal advice | Attorney-Client |

|     |                            |                                    |                                 |                                                       |                                                       |               |                                                          |                                                                                                              |                                                            |
|-----|----------------------------|------------------------------------|---------------------------------|-------------------------------------------------------|-------------------------------------------------------|---------------|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| 14. | 2015.01.11 -<br>2015.01.17 | E-Mails                            | 1059-<br>1083                   | Jeffrey Epstein                                       | Ghislaire Maxwell                                     |               | Common Interest                                          | Communication<br>re: legal advice                                                                            | Common Interest Privilege                                  |
| 15. | 2015.01.13                 | E-Mail                             | 1067-<br>1073                   | Ghislaire Maxwell                                     | Jeffrey Epstein                                       |               | Common Interest                                          | Communication<br>re: legal advice                                                                            | Common Interest Privilege                                  |
| 16. | 2015.01.13                 | E-Mail                             | 1069-<br>1073,<br>1076-<br>1079 | Philip Barden, Esq.                                   | Martin Weinberg, Esq.                                 |               | Common Interest                                          | Communication<br>re: legal advice                                                                            | Common Interest Privilege                                  |
| 17. | 2015.01.13                 | E-Mails                            | 1068-<br>1069,<br>1074-<br>1076 | Philip Barden, Esq.                                   | Ghislaire Maxwell                                     | Mark<br>Cohen | Attorney / Client                                        | Communication<br>re: legal advice                                                                            | Attorney-Client                                            |
| 18. | 2015.01.21                 | E-Mail                             | 1088-<br>1090                   | Ross Gow                                              | Philip Barden, Esq., Ghislaire<br>Maxwell             |               | Agent / Attorney /<br>Client                             | Communication<br>re: legal advice                                                                            | Attorney-Client                                            |
| 19. | 2015.01.21 -<br>2015.01.27 | E-Mails                            | 1084-<br>1098                   | Jeffrey Epstein                                       | Ghislaire Maxwell                                     |               | Common Interest                                          | Communication<br>re: legal advice                                                                            | Common Interest Privilege                                  |
| 20. | 2015.01.21-<br>2015.01.27  | E-Mails                            | 1099                            | Ghislaire Maxwell                                     | Jeffrey Epstein                                       |               | Common Interest                                          | Communication<br>re: legal advice                                                                            | Common Interest Privilege                                  |
| 21. | 2015.04.22                 | E-mail                             | 7 pages                         | Jeffrey Epstein                                       | Ghislaire Maxwell                                     |               | Common Interest                                          | Forwarding<br>message from<br>Martin Weinberg,<br>labeled "Attorney-<br>Client Privilege"<br>with attachment | Common Interest Privilege                                  |
| 22. | Various                    | E-mails                            |                                 | Agent of Haddon, Morgan &<br>Foreman; Laura Menninger | Agent of Haddon, Morgan &<br>Foreman; Laura Menninger |               | Agent of attorney and<br>Attorney                        | Attorney work<br>product                                                                                     | Attorney Work Product                                      |
| 23. | Various                    | E-mails                            |                                 | Mary Borja; Laura<br>Menninger                        | Mary Borja; Laura Menninger                           |               | Attorney Work<br>Product                                 | Attorney work<br>product                                                                                     | Attorney Work Product                                      |
| 24. | 2015.10.21 -<br>2015.10.22 | E-mail<br>chain with<br>attachment |                                 | Darren Indyke; Laura<br>Menninger                     | Darren Indyke; Laura Menninger                        |               | Attorneys for parties<br>to Common Interest<br>Agreement | Common Interest<br>Agreement                                                                                 | Attorney Work Product;<br>Common Interest Privilege        |
| 25. | 2015.01.06                 |                                    |                                 |                                                       |                                                       |               | Attorney/Client                                          | Document<br>prepared by<br>Ghislaire<br>Maxwell at the<br>direction of Philip<br>Barden                      | Attorney Work Product;<br>Attorney-Client<br>Communication |

|     |            |  |  |  |  |  |  |                 |                                                                          |                                                      |
|-----|------------|--|--|--|--|--|--|-----------------|--------------------------------------------------------------------------|------------------------------------------------------|
| 26. | 2015.01.23 |  |  |  |  |  |  | Attorney/Client | Document prepared by Ghislaine Maxwell at the direction of Philip Barden | Attorney Work Product; Attorney-Client Communication |
|-----|------------|--|--|--|--|--|--|-----------------|--------------------------------------------------------------------------|------------------------------------------------------|

# EXHIBIT 2

## (File Under Seal)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

|                                                                                              |                     |                        |
|----------------------------------------------------------------------------------------------|---------------------|------------------------|
| VIRGINIA L. GIUFFRE,<br><br>Plaintiff,<br><br>v.<br><br>GHISLAINE MAXWELL,<br><br>Defendant. | X<br><br>⋮<br><br>Λ | <b>15-cv-07433-RWS</b> |
|----------------------------------------------------------------------------------------------|---------------------|------------------------|

**Declaration of Philip Barden**

I, Philip Barden, declare as follows:

1. I am a Solicitor of the Senior Courts of England & Wales based in London, England.
2. I am submitting this Declaration in support of Ghislaine Maxwell's motion for summary judgment in this action.
3. I am not authorised to and do not waive Ms. Maxwell's attorney-client privilege.
4. I have represented Ms. Maxwell since 2011 regarding the allegations made by Plaintiff Virginia Giuffre and as published in the United Kingdom. I continue to be retained in this regard. I am familiar generally with the subject matter of this action.
5. I first represented Ms. Maxwell in this matter over the weekend of 5<sup>th</sup> and 6<sup>th</sup> March 2011, about the time when various UK national newspapers, in hard copy and on line, published numerous and provocative allegations made by the Plaintiff Virginia Giuffre against Ms. Maxwell. The articles by Sharon Churcher were among those published in this time frame.
6. I instructed British press agent Ross Gow to assist me in representing Ms. Maxwell.



7. I caused to be prepared a statement to respond to the articles that appeared in the British Press over the weekend—March 5 and 6, 2011, and thereafter. I directed Mr. Gow to distribute the statements to various media outlets that had published articles.

8. On December 30, 2014, Ms. Giuffre made numerous salacious and improper allegations against Ms. Maxwell in a joinder motion publicly filed in a civil case involving Jeffrey Epstein. Shortly afterward, the British media gained access to the motion and began inquiring about Ms. Maxwell's response.

9. I continued to represent Ms. Maxwell at that time and I coordinated the response to the media. I again instructed Mr. Gow to assist me.

10. In liaison with Mr. Gow and my client, on January 2, 2015, I prepared a further statement denying the allegations, and I instructed Mr. Gow to transmit it via email to members of the British media who had made inquiry about plaintiff's allegations about Ms. Maxwell. Attached as Exhibit A1 is an email containing a true and correct copy of this statement. The statement was issued on my authority. Although it is possible others suggested or contributed content, I prepared the vast majority of the statement and ultimately approved and adopted all of the statement as my work.

11. As is evident from the timing and the typographical errors in the statement, I prepared the statement in haste. I was not in the office on 2<sup>nd</sup> January 2015 as it was the Friday immediately after New Years day which is a public holiday. Most people took 2<sup>nd</sup> January off and many business closed that day. I don't now recall where I was that day but I was hard to reach and that indicates I was out with my family. I therefore would have prepared the statement in a hurry. I recall that I wanted to get a statement out as a matter of urgency.

12. I recall that immediately after Ms. Giuffre's motion was filed, media representatives began contacting Mr. Gow and requesting Ms. Maxwell's response to Ms. Giuffre's allegations

of criminal and other misconduct by Ms. Maxwell. I believed an immediate response was imperative, even though this was happening in the midst of the holidays in the United Kingdom. My communications with Mr. Gow and with Ms. Maxwell were sporadic, delayed and hurried because of my and their own holiday schedules. I worked while on vacation and on Friday, January 2, 2015, to ensure that the statement was issued as soon as possible after receiving the media inquiries.

13. I did not ask Ms. Maxwell to respond point by point to Ms. Giuffre's factual allegations in the CVRA joinder motion. What we needed to do was issue an immediate denial and that necessarily had to be short and to the point. It should have been obvious to the media that Ms. Giuffre's new and significantly more salacious allegations had no credibility because they differed so substantially from her previous allegations, when she had the opportunity and incentive to disclose all relevant facts about being a victim of alleged sexual abuse and sex trafficking at the hands of the rich and powerful. I prepared the January 2015 statement based on my knowledge of Ms. Giuffre's past statements and her most recent statements in the joinder motion, and made the point to the media-recipients that she and her new statements, which differed so substantially from her former ones, were not credible—specifically, that the new allegations were patently false—i.e., “obvious lies.”

14. By way of example I recall that prior to the December 2014 filing of the joinder motion and the subsequent press reports that Ms. Guiffre clearly stated she had not had sex with Prince Andrew. Yet in her joinder motion she claimed she did have sex with Prince Andrew and that the sex occurred in what can only be described as a very small bathtub, too small for a man of Prince Andrew's size to enjoy a bath in let alone sex. So as of December 2014 it was clear Ms. Guiffre had made polar opposite statements. She was either lying when she said they did not have sex or when she said they did. I made the inescapable inference that she is a liar, as clearly

she is, since both statements cannot as a matter of fact be true. When someone says she did not have sex and then says she did, in other words, there is an obvious lie.

15. I did not intend the January 2015 statement as a traditional press release solely to disseminate information to the media. This is why I intentionally did not request that Mr. Gow or any other public relations specialist prepare or participate in preparing the statement. Instead, Mr. Gow served as my conduit to the media representatives who had requested a response to the joinder motion allegations and who I believed might republish those allegations.

16. My purpose in preparing and causing the statement to be disseminated to those media representatives was twofold. First, I wanted to mitigate the harm to Ms. Maxwell's reputation from the press's republication of plaintiff's false allegations. I believed these ends could be accomplished by suggesting to the media that, among other things, they should subject plaintiff's allegations to inquiry and scrutiny. For example, I noted that plaintiff's allegations changed dramatically over time, suggesting that they are "obvious lies" and therefore should not be "publicised as news."

17. Second, I intended the January 2015 statement to be "a shot across the bow" of the media, which I believed had been unduly eager to publish plaintiff's allegations without conducting any inquiry of their own. This was the purpose of repeatedly stating that plaintiff's allegations were "defamatory." In this sense, the statement was very much intended as a cease and desist letter to the media-recipients, letting the media-recipients understand the seriousness with which Ms. Maxwell considered the publication of plaintiff's obviously false allegations and the legal indefensibility of their own conduct.

18. It is important to understand that any story involving a member of the Royal Family, especially a senior member such as Prince Andrew, gains huge media attention in the UK and a story alleging he had a sex with the Plaintiff caused a feeding frenzy for the press. I wanted the

press to stop and think before publishing, to cease and desist, and that if they continued then they faced higher damages for ignoring my clear warning.

19. Consistent with those two purposes, Mr. Gow’s emails prefaced the statement with the following language: “Please find attached a *quotable statement* on behalf of Ms Maxwell” (italics supplied). The statement was intended to be a single, one-time-only, comprehensive response—quoted in full, if it was to be used—to plaintiff’s December 30, 2014, allegations that would give the media Ms. Maxwell’s response. The purpose of the prefatory statement was to inform the media-recipients of this intent.

20. Selective and partial quotation and use of the statement would disserve my purposes. It was intended to address Plaintiff’s behavior and allegations against Ms. Maxwell on a broad scale, that is to say, Plaintiff’s history of making false allegations and innuendo to the media against Ms. Maxwell. This is why the statement references Plaintiff’s “original allegations” and points out that her story “changes”—i.e. is embellished—over time including the allegations “now” that Professor Dershowitz allegedly had sexual relations with her. This is why I distinguished in the statement between Plaintiff’s “original” allegations and her “new,” joinder-motion allegations, which differed substantially from the original allegations. And this is why I wrote, “Each time the story is *re told* [sic] it *changes* with *new* salacious details about public figures and world leaders and *now* it is alleged by [Plaintiff] that Alan Derschowitz [sic] is involved in having sexual relations with her, which he denies.” (Emphasis supplied.) Having established the dramatic difference between Plaintiff’s two sets of allegations, which suggested she was fabricating more and more-salacious allegations as she had more time to manufacture them, I added the third paragraph: “[Ms. Giuffre’s] claims are obvious lies and should be treated as such and not publicised as news, as they are defamatory.” (Emphasis supplied.) I believed then, and believe now, that it was and remains a fair inference and conclusion that her claims

were and are “obvious lies.” As noted, her claims not to have slept with Prince Andrew and to have slept with Prince Andrew are a classic example of an obvious lie. One or other account is on the face of it a lie.

21. As an example of her lack of credibility, the Plaintiff made allegations against Professor Dershowitz, which I understand she has now withdrawn. Professor Dershowitz has credibility because his story, insofar as I am familiar with it, has been consistent; Ms. Giuffre has no credibility because her story has shifted and changed.

22. Further the Plaintiff’s account has become more salacious, for example, regarding Prince Andrew. The Plaintiff clearly has been seeking publicity for her story and it is clear to me that she understands retelling the same story doesn’t feed the media and generate publicity and so each time she appears to create new allegations to generate media interest.

23. I understand the Plaintiff alleged in her Complaint in this action that the following statements are defamatory. She alleges it was defamatory in the first paragraph of the January 2015 statement to state that “the allegations made by [the Plaintiff] against [Ms.] Maxwell are untrue.” For the reasons stated above, it was and is my considered and firm opinion that, in fact, her allegations are untrue. She alleges it was defamatory to state in the same paragraph that the “original allegations” have been “shown to be untrue.” For the reasons stated above, it was and is my considered and firm opinion that, in fact, her allegations are untrue. Finally, she alleges that it was defamatory in the third paragraph to state that her claims are “obvious lies.” For the reasons stated above, it was and is my considered and firm opinion that, in fact, her claims are obvious lies.

24. Both Mr. Gow and I understood that once the January 2015 statement was sent to the media-representatives, we had no ability to control whether or how they would use the statement and we made no effort to control whether or how they would use the statement.

25. It is my understanding that some of the media-recipients of the January 2015 statement did not publish any part of the statement. I am unaware of any media-recipient publishing the statement in full.

26. The issuance of the statement fully complied with my ethical obligations as a lawyer. Indeed it was duty in representing my client's interests to ensure that a denial was immediately issued. I would have been remiss if I had sat back and not issued a denial, and the press had published that Ms. Maxwell had not responded to enquiries and had not denied the new allegations; the public might have taken the silence as an admission there was some truth in the allegations.

27. The content of the statement was entirely based on information I acquired in connection with my role as counsel for Ms. Maxwell.

28. At the time I directed the issuance of the statement, I was contemplating litigation against the press-recipients as an additional means to mitigate and prevent harm to Ms. Maxwell. Whilst the limitation period for a pure defamation claim has now expired, claims are still being considered for example for publishing a deliberate falsehood, conspiracy to inure and other tortious acts.

29. In any such UK defamation, or other related, action Ms. Giuffre would be a defendant or a witness.

30. I directed that the statement indicate Ms. Maxwell "strongly denie[d] the allegations of an unsavoury nature," declare the allegations to be false, give the press-recipients notice that the publications of the allegations "are defamatory," and inform them that Ms. Maxwell was "reserv[ing] her right to seek redress."



I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 6, 2017.

A handwritten signature in black ink, appearing to read "Philip Barden", written over a horizontal line.

Philip Barden

# EXHIBIT 3

## (File Under Seal)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

VIRGINIA L. GIUFFRE,

Plaintiff,

Case No.:

-against-

15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendants.

- - - - - x

\*\*CONFIDENTIAL\*\*

Videotaped deposition of GHISLAINE  
MAXWELL, taken pursuant to subpoena, was  
held at the law offices of BOIES  
SCHILLER & FLEXNER, 575 Lexington  
Avenue, New York, New York, commencing  
April 22, 2016, 9:04 a.m., on the above  
date, before Leslie Fagin, a Court  
Reporter and Notary Public in the State  
of New York.

- - -

MAGNA LEGAL SERVICES  
1200 Avenue of the Americas  
New York, New York 10026

1 G Maxwell - Confidential

2 underage?

3 A. I can only testify to what I saw  
4 and what I was present for, so if you are  
5 asking me what I saw then I am happy to  
6 testify. I cannot testify to what somebody  
7 else did or didn't do.

8 Q. Did you issue a statement to your  
9 press agent, Ross Gow in 2015, stating that  
10 Virginia Roberts' claims were, quote, obvious  
11 lies?

12 MR. PAGLIUCA: Objection to the  
13 form and foundation.

14 Q. You can answer.

15 A. You need to reask me the question.

16 Q. Sure.

17 Did you issue a press statement  
18 through your press agent, Ross Gow, in  
19 January of 2015, stating that Virginia  
20 Roberts' claims were, quote, obvious lies?

21 MR. PAGLIUCA: Objection to the  
22 form and foundation.

23 A. Can you ask it a different way,  
24 please?

25 Q. I will ask it again and you can

1 G Maxwell - Confidential

2 listen carefully.

3 Did you issue a press statement  
4 through your press agent, Ross Gow, in  
5 January of 2015, where you stated that  
6 Virginia Roberts' claims were, quote, obvious  
7 lies?

8 MR. PAGLIUCA: Objection to the  
9 form and foundation.

10 A. So my lawyer, Philip Barden  
11 instructed Ross Gow to issue a statement.

12 Q. Today, did you say that Virginia  
13 lied about, quote, absolutely everything?

14 A. I said that there are some things  
15 she may not have lied about.

16 Q. So are you saying it's an obvious  
17 lie that Jeffrey Epstein engaged in sexual  
18 contact with Virginia while Virginia was  
19 underage?

20 MR. PAGLIUCA: Objection to the  
21 form and foundation.

22 A. Can you ask the question again,  
23 please?

24 Q. Are you saying it's an obvious lie  
25 that Jeffrey Epstein engaged in sexual

# EXHIBIT 4

## (File Under Seal)



----- Forwarded message -----

From: [REDACTED]  
Date: 2 January 2015 at 20:29  
Subject: Re: URGENT - this is the statement  
To: G Max <gmax1@ellmax.com>  
Cc: Philip Barden [REDACTED]

OK G going with this, thanks Philip.  
Sent from my BlackBerry® wireless device

---

From: G Maxwell <GMax1@ellmax.com>  
Date: Fri, 2 Jan 2015 20:14:53 +0000  
To: Ross Gow [REDACTED]  
Cc: Philip Barden [REDACTED]  
Subject: FW: URGENT - this is the statement

Jane Doe 3 is Virginia Roberts so not a new individual.

The allegations made by Victoria Roberts against Ghislaine Maxwell are untrue.

The original allegations are not new and have been fully responded to and shown to be untrue

Each time the story is re told it changes with new salacious details about public figures and world leaders and now it is alleged by Ms Roberts that Alan Derschwitz is involved in having sexual relations with her, which he denies

Ms Roberts claims are obvious lies and should be treated as such and not publicised as news, as they are defamatory.

# EXHIBIT 5

## (File Under Seal)

ROSS NEIL SUTHERLAND GOW - 11/18/2016

1 IN THE HIGH COURT OF JUSTICE  
2 QUEEN'S BENCH DIVISION

3 Claim No. CR 2016-624

4 BETWEEN:

5 VIRGINIA L. GIUFFRE Applicant,  
6 - and -  
7 ROSS GOW,  
8 Respondent.

9 AND:

10 UNITED STATES DISTRICT COURT  
11 SOUTHERN DISTRICT OF NEW YORK

12 Virginia L. Giuffre, )  
13 Plaintiff, )  
14 v. ) Case No. 15-cv-07433-RWS  
15 Ghislaine Maxwell, )  
16 Defendant. )

17 -----  
18 Friday, November 18, 2016

19 AT: 8:27 a.m.

20 Taken at:

21 Essex Chambers 29,  
22 81 Chancery Lane,  
23 London, UK, WC2A 1DD

24 Court Reporter: Lisa Barrett, Accredited Real-time  
25 Reporter

|    |                                                         |          |
|----|---------------------------------------------------------|----------|
| 1  | 10 more seconds.                                        | 09:19:50 |
| 2  | MS. SCHULTZ: Understood, and I apologize.               | 09:19:52 |
| 3  | MR. SPEARMAN: This is what, Exhibit 9?                  | 09:19:54 |
| 4  | MR. DYER: Yes.                                          | 09:19:56 |
| 5  | MS. SCHULTZ: Yes.                                       | 09:19:56 |
| 6  | (Exhibit 9 was marked for identification.)              | 09:19:56 |
| 7  | BY MS. SCHULTZ:                                         | 09:20:01 |
| 8  | Q. This also appears to be an email chain with you      | 09:20:02 |
| 9  | and Ms. Maxwell; is that correct?                       | 09:20:05 |
| 10 | A. It does appear to be so.                             | 09:20:07 |
| 11 | Q. Did you send the top email of the chain that         | 09:20:08 |
| 12 | says "Okay, G, going with this"?                        | 09:20:10 |
| 13 | A. I did.                                               | 09:20:13 |
| 14 | Q. And did you receive from Ms. Maxwell, the            | 09:20:14 |
| 15 | bottom email of that chain?                             | 09:20:16 |
| 16 | A. I believe so. Well, I believe -- yes, yeah, it       | 09:20:17 |
| 17 | was forwarded from Ms. Maxwell, yes.                    | 09:20:21 |
| 18 | MR. DYER: Sorry, I don't quite understand that          | 09:20:29 |
| 19 | answer.                                                 | 09:20:31 |
| 20 | THE WITNESS: I misspoke that. I did receive             | 09:20:33 |
| 21 | it from Ms. Maxwell.                                    | 09:20:34 |
| 22 | MR. DYER: Okay.                                         | 09:20:38 |
| 23 | BY MS. SCHULTZ:                                         | 09:20:38 |
| 24 | Q. The subject line does have "FW" which to me          | 09:20:39 |
| 25 | indicates it's a forward. Do you know where the rest of | 09:20:42 |

1 this email chain is?

09:20:45

2 A. My understanding of this is: It was a holiday  
3 in the UK, but Mr. Barden was not necessarily accessible,  
4 at some point in time, so this had been sent to him  
5 originally by Ms. Maxwell, and because he was  
6 unavailable, she forwarded it to me for immediate action.  
7 I therefore respond, "Okay, Ghislaine, I'll go with  
8 this."

09:20:49

09:20:54

09:20:59

09:21:03

09:21:07

09:21:14

09:21:19

9 It is my understanding that this is  
10 the agreed statement because the subject of the second  
11 one is "Urgent, this is the statement" so I take that  
12 as an instruction to send it out, as a positive  
13 command: "This is the statement."

09:21:20

09:21:22

09:21:24

09:21:27

09:21:30

14 Q. Okay.

09:21:33

15 A. And I say, "Thanks, Philip" because I'm aware  
16 of the fact that he had a hand, a considerable hand in  
17 the drafting.

09:21:33

09:21:37

09:21:40

18 Q. Okay. Could I ask you to please refer back to  
19 Exhibit 2. Looking also at Exhibit 9, Exhibit 9 appears  
20 to have five sentences in it. Do you agree that those  
21 same five sentences are part of the communication that is  
22 borne in Exhibit 2?

09:21:41

09:21:47

09:22:03

09:22:10

09:22:13

23 A. Sorry, could you say that again. I'm just  
24 following what your --

09:22:18

09:22:20

25 Q. It was a bad question. Let me try that again.

09:22:21

# EXHIBIT 1

## (File Under Seal)



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

VIRGINIA L. GIUFFRE,

Plaintiff,

Case No.:

-against-

15-cv-07433-RWS

GHISLAINE MAXWELL,

Defendants.

- - - - - x

\*\*CONFIDENTIAL\*\*

Videotaped deposition of GHISLAINE  
MAXWELL, taken pursuant to subpoena, was  
held at the law offices of BOIES  
SCHILLER & FLEXNER, 575 Lexington  
Avenue, New York, New York, commencing  
April 22, 2016, 9:04 a.m., on the above  
date, before Leslie Fagin, a Court  
Reporter and Notary Public in the State  
of New York.

- - -

MAGNA LEGAL SERVICES  
1200 Avenue of the Americas  
New York, New York 10026

1 G Maxwell - Confidential

2 30 girls --

3 A. I did not count the number of girls  
4 and I did read the police report. I can only  
5 testify to what I read.

6 Q. So you are aware that the police  
7 report contains reports from 30 underage  
8 girls?

9 A. I can't testify to what the girls  
10 said. I can only testify to the fact that I  
11 read a police report that stated that.

12 Q. Were you working for Jeffrey -- you  
13 said you worked for him off and on until 2009,  
14 is that correct?

15 A. I helped out from time to time.

16 Q. So you were working with him during  
17 the time period when these underage girls  
18 were visiting Jeffrey's home?

19 MR. PAGLIUCA: Objection to the  
20 form and foundation.

21 A. I was not -- what year, I need  
22 years.

23 Q. How about let's say 2005?

24 A. I'm not sure I was at the house at  
25 all in 2005, maybe one day, maybe.

1 G Maxwell - Confidential

2 Q. How about 2004?

3 A. I was present for his mother's --  
4 his mother died in 2004 so I was there for  
5 his mother's death and the funeral and I was  
6 at the house maybe a handful of days, again.

7 Q. I would like to direct you to, you  
8 have it pulled together now, it's page 39,  
9 Bates stamped Giuffre 00040?

10 A. Can you repeat that, please.

11 Q. Sure. 00040.

12 A. Yes.

13 Q. At the top of that document, about  
14 three lines down, you see the redacted  
15 portions where there is black so it blacks  
16 out the name.

17 A. I see black redacted portions.

18 Q. That's a black redaction of the  
19 name of the minor and there is -- I will  
20 represent for the record that's what it is.  
21 You can contest that but I'm not asking about  
22 the name of the minor.

23 Five lines down, it says, She was  
24 just 16 years of age.

25 Do you see that?

1 G Maxwell - Confidential

2 A. How would I possibly, these were  
3 messages taken when I was not at the house  
4 and I have no idea who they are nor how old  
5 they are nor anything.

6 Q. How do you know you weren't at the  
7 house on this day?

8 A. I was hardly at the house in 2005.

9 Q. So you could have been there, you  
10 just don't know?

11 A. In the five days I might have been  
12 there in 2005, I suppose it's possible but  
13 it's unlikely.

14 MR. PAGLIUCA: Do you know why this  
15 isn't redacted if you are representing  
16 all the names of people who are underage  
17 have been redacted from these records.

18 MS. McCAWLEY: I think it was -- my  
19 assumption is it was a miss by the  
20 police department.

21 Q. I will direct your attention to SAO  
22 3008 so you will skip a page and go back,  
23 it's the final page in the message pads and  
24 you will see on the top left for Jeffrey, on  
25 6/1/2005 from Jean Luc Brunel with a phone

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VIRGINIA L. GIUFFRE,  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
Defendant.  
-----X

15-cv-07433-RWS

**Defendant's Response to "Motion to Compel" Work Product  
and Attorney-Client Communications with Philip Barden**

Laura A. Menninger  
Jeffrey S. Pagliuca  
Ty Gee  
HADDON, MORGAN AND FOREMAN, P.C.  
150 East 10<sup>th</sup> Avenue  
Denver, CO 80203  
303.831.7364

Defendant Ghislaine Maxwell, through counsel, submits this Response to plaintiff's "Motion to Compel All Work Product and Attorney Client [sic] Communications with Philip Barden" (Doc.637).

### **PROCEDURAL BACKGROUND**

On February 24, 2016, we served on plaintiff's counsel Ms. Maxwell's Initial Fed. R. Civ. P. 26(a)(1)(A) Disclosures. The third-listed individual we identified who "likely [has] discoverable information" was Philip Barden, who, we disclosed, had information "concerning press statements . . . at issue in this matter":

**3. Philip Barden**  
**Devonshires Solicitors LLP**  
**30 Finsbury Circus**  
**London, United Kingdom**  
**EC2M 7DT**  
**DX: 33856 Finsbury Square**  
**(020) 7628-7576**  
[Philip.Barden@devonshires.co.uk](mailto:Philip.Barden@devonshires.co.uk)

**Mr. Barden has knowledge concerning press statements by Plaintiff and Defendant in 2011-2015 at issue in this matter.**

Menninger Decl., Ex.A. Plaintiff never sought to depose Mr. Barden.

On June 23, 2016, this Court ordered that the parties complete all fact discovery by July 29, 2016. *See* Doc.317 at 2.

Plaintiff propounded discovery requests as follows:

|            |                                                   |
|------------|---------------------------------------------------|
| 10/27/2015 | Plaintiff's First Set of Requests for Production  |
| 4/14/2016  | Plaintiff's Second Set of Requests for Production |
| 5/27/2016  | Plaintiff's First Set of Interrogatories          |
| 5/27/2016  | Plaintiff's Request for Admissions                |

The First Set propounded thirty-nine (39) requests for production. The Second Set propounded an additional forty-three (43) requests for production. None requested Mr. Barden's

attorney work product. Nor did plaintiff's interrogatories and requests for admissions propounded on May 27, 2016.

On January 6, 2017, Mr. Barden submitted a declaration in support of Ms. Maxwell's motion for summary judgment. In the declaration, he stated, "I am not authorised to and do not waive Ms. Maxwell's attorney-client privilege." Doc.542-7, Ex.K ¶ 3. Mr. Barden did not reference any communications with his client Ms. Maxwell, let alone disclose any attorney-client communications. *See generally id.*, Ex.K. He did disclose his intent and strategy underlying his preparation of the statement he caused to be transmitted January 2, 2015, via press agent Ross Gow to various journalists. *See id.*, Ex.K ¶¶ 12-24, 26-30.

### PLAINTIFF'S FACTUAL ERRORS

Plaintiff makes numerous factual errors in her motion's factual "Background."

1. Plaintiff says Mr. Barden's submission is "a *post hoc*, self-serving declaration." Mot. 2. Of course every declaration submitted in this litigation by witnesses to events that took place in 2012-2015 by definition is *post hoc*. Since Mr. Barden is a third-party witness and not one of the parties, by definition his declaration is not "self-serving." In any event, calling a declaration "self-serving" is a legal canard. There is nothing improper even for litigants suing for money, such as plaintiff, to submit "self-serving" declarations so long as they are truthful, and there is nothing improper about a court's considering—and giving due weight—to "self-serving" testimony. *See Lupyán v. Corinthian Colls.*, 761 F.3d 314, 321 n.2 (3d Cir. 2014) ("As with any other kind of evidence, the declarant's interest in the outcome is merely one factor . . . to weigh in determining the reliability of the evidence. It is not a reason to automatically reject the evidence. Indeed, the testimony of a litigant will almost always be self serving since few litigants will knowingly volunteer statements that are prejudicial to their case. However that has never meant that a litigant's evidence must be categorically rejected by the fact finder.").



2. Plaintiff says Mr. Barden’s declaration “and the briefing” to which it was attached reference his “‘intent’ (and other synonymous phrases) . . . at least 62 times.” Mot. 3 (emphasis omitted). She suggests it is improper for a declaration and the briefs to which it is attached to reference or discuss intent. The suggestion is misguided. If intent is a relevant question of fact, of course there is nothing wrong with discussing it.

3. Plaintiff says Mr. Barden’s declaration “reveals attorney client [sic] legal advice given to Defendant, *such as*”<sup>1</sup> these two sentences in the declaration: “I did not ask Ms. Maxwell to respond point by point to Ms. Giuffre’s factual allegations in the CVRA joinder motion. What we needed to do was issue an immediate denial and that necessarily had to be short and to the point.” Doc.542-7, Ex.K ¶ 13. Neither of the two sentences “reveals” attorney-client communications. To the contrary, the first sentence references a ***non***-communication with Ms. Maxwell, i.e., what Mr. Barden did *not* talk to Ms. Maxwell about. The second sentence simply discloses attorney Barden’s thought process, which by definition is not an attorney-client communication. We italicize plaintiff’s use of “such as,” connoting—disingenuously, we submit—the introduction of an example. Besides these two frivolous examples of attorney-client communications, plaintiff identifies no others.

4. Supplementing her lengthy summary-judgment brief and oral argument, plaintiff re-urges her point that really it was Ms. Maxwell personally, and not Mr. Barden, who directed Mr. Gow to issue the January 2015 statement. Mot. 3. We suggest plaintiff’s persistent repetition of her arguments—as with any repetition, they have become familiar, but not more persuasive—suggests her recognition that we have advanced meritorious and weighty arguments for summary

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<sup>1</sup>Mot. 3 (emphasis supplied).

judgment. On her third try, plaintiff makes no further headway. We address here each piece of “documentary and testimonial evidence” plaintiff alleges supports her argument.

a. As plaintiff acknowledges, Ms. Maxwell’s testimony is completely consistent with Mr. Barden’s testimony; “So my lawyer, Philip Barden[,] instructed Ross Gow to issue a statement.” Mot. 4 (emphasis omitted).

b. Plaintiff argues Mr. Gow produced a “smoking gun” email chain in which Ms. Maxwell personally directed him to distribute the January 2015 statement. Mot. 4. The “smoking gun” is a dud. It too is consistent with—corroborates—Mr. Barden’s testimony. The earlier email is from Ms. Maxwell to Mr. Gow with Mr. Barden copied on the email. *See* Doc.638-4. There is *no instruction* in the email. It merely contains the January 2015 statement. In the subject line is this text: “FW: URGENT – this is the statement.” The “FW” is important—it is the abbreviation for “Forward,” indicating an email has been *forwarded* by the sender, in this case Ms. Maxwell. The email does not disclose who *originally* sent the email to Ms. Maxwell that she then *forwarded* to Mr. Gow. The later, reply email—from Mr. Gow to Ms. Maxwell, copying Mr. Barden, is notable. Its text reads: “OK G going with this, *thanks Philip*.” (Emphasis supplied.) This suggests Mr. Barden was intimately involved with Mr. Gow’s action of sending the January 2015 statement to journalists.<sup>2</sup> It also suggests (“going with this, thanks Philip”) that, notwithstanding the absence of any direction in the earlier email from Ms. Maxwell, Mr. Gow *knew what to do*, which itself suggests *prior direction* from someone.

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<sup>2</sup>Plaintiff asserts that Mr. Barden is “nowhere to be found on any of these communications” between Ms. Maxwell and Mr. Gow. Mot. 3. That is incorrect. Mr. Barden was copied on both the email from Ms. Maxwell to Mr. Gow and on the email from Mr. Gow to Ms. Maxwell. *See* Doc.638-4.

c. Plaintiff next asserts Mr. Gow's testimony supports her argument Mr. Barden did not direct Mr. Gow to send the January 2015 statement. She points to Mr. Gow's testimony that "[m]y understanding . . . is"<sup>3</sup> Ms. Maxwell sent the earlier email to Mr. Barden originally and because he was unavailable, she forwarded it to Mr. Gow. Plaintiff's reliance on this testimony is misplaced. Even if Mr. Gow's speculation about how he came to receive the email were admissible, it hardly makes plaintiff's point. One, there is no *direction*—no *instruction*—given in the email. The words in the *subject line* "this is the statement" is hardly a "command," as plaintiff argues, let alone direction to take action. Two, since the email contains no direction, it begs the question, how did Mr. Gow know to issue the January 2015 statement upon receiving the email? The answer is found in Mr. Barden's declaration. Before Mr. Gow received the email he *already knew* he was to issue the statement. In Mr. Barden's words: "In liaison with Mr. Gow and my client, on January 2, 2015, I prepared a further statement . . . , and I instructed Mr. Gow to transmit it via email to" the journalists. Doc.542-7, Ex.K ¶ 10 (emphasis supplied). The answer also is found in Ms. Maxwell's April 22, 2016, testimony: "[M]y lawyer, Philip Barden[,] instructed Ross Gow to issue a statement." Mot. 4 (boldface omitted).

5. Plaintiff also argues Ms. Maxwell "attempts to blame the defamatory press release entirely on [Mr. Barden]." Mot. 4. There is no "blaming." The facts are not in dispute. Ms. Maxwell engaged Mr. Barden as her lawyer; Mr. Barden engaged Mr. Gow as his agent. *See* Doc.542-7, Ex.K ¶¶ 9-10. Ms. Maxwell has not disclaimed legal responsibility for the January

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<sup>3</sup>Mot. 5.

2015 statement prepared on her behalf by Mr. Barden and issued on her behalf by Mr. Gow at Mr. Barden's direction.

## ARGUMENT

**Plaintiff is entitled to no discovery of Mr. Barden's work product or Ms. Maxwell's attorney-client communications.**

**A. Plaintiff has violated every rule governing motions to compel, including the one requiring the existence of an unsatisfied request for production.**

Federal Rule of Civil Procedure 37(a)(1) provides that any motion to compel must be accompanied by a certification that the movant has in good faith conferred with the "party *failing to make . . . discovery*" (emphasis supplied).

Rule 37(a)(3) provides that "[a] party seeking discovery may move for an order compelling . . . production . . . if . . . a party fails to produce documents . . . *as requested under Rule 34*" (emphasis supplied).

Local Civil Rule 37.1 provides that in any motion brought under Rule 37, including a motion to compel, "the moving party shall specify and *quote or set forth verbatim in the motion papers each discovery request and response to which the motion . . . is addressed*" (emphasis supplied).

Plaintiff failed to comply with any of these rules.

On the last page of the motion plaintiff counsel certifies she "*raised*" "the failure to produce issue [sic]" when she "oppos[ed]" Ms. Maxwell's summary judgment and when she presented "oral argument" on summary judgment. Mot. 12 (emphasis supplied). That is not a Rule 37(a)(1) certification. Plaintiff's counsel fails to certify she (a) "in good faith" (b) "conferred" with the defense. Instead, she certifies she (a) "*raised*" (b) an "issue." The failure to comply with Rule 37(a)(1) warrants denial of the motion. *Dorchester Fin. Holdings Corp. v. Banco BRJ, S.A.*, 11-CV-1529 KMW KNF, 2014 WL 3747160, at \*5 (S.D.N.Y. July 3, 2014).

Rule 37(a)(3) requires that a motion to compel the production of a document be grounded on the *existence of an unsatisfied request for production*. So too does Local Civil Rule 37.1. Plaintiff has identified no unsatisfied request for production. That violates both rules. Her motion must be denied on this basis alone, as a legion of cases confirms. *See, e.g., Hassan v. Town of Brookhaven*, No. 13-CV-4544 JMA SIL, 2015 WL 3455108, at \*4 (E.D.N.Y. May 29, 2015) (rejecting motion to compel: “Even more troubling, it appears that Hassan did not prepare or serve any requests for discovery in this action, and simply made a motion to compel as his first and only method of obtaining discovery.”); *Brown v. Chappius*, No. 13-CV-00105A F, 2015 WL 5316356, at \*3 (W.D.N.Y. Sept. 10, 2015) (denying motion to compel production of documents: “Plaintiff has failed to serve formal discovery demands requesting such materials.”).

The meritlessness of a motion to compel combined with failure to confer warrants denial and a sanction. *Window Headquarters, Inc. v. Mat Basic Four, Inc.*, No. 91 CIV. 1816 (MBM), 1996 WL 63046, at \*1 (S.D.N.Y. Feb. 9, 1996) (“Because the motion was without basis and was filed by Fagan without consulting his adversary, Fagan will pay to counsel for Ventech a sanction in the amount of \$200, that being the minimum reasonable cost of responding to this meritless motion.”).

**B. Even if plaintiff had a pending discovery request and had complied with the rules, she would be barred from access to Ms. Maxwell’s attorney-client communications.**

The attorney-client privilege “belongs solely to the client and may only be waived by him. An attorney may not waive the privilege without his client’s consent.” *In re von Bulow*, 828 F.2d 94, 100 (2d Cir. 1987); *accord, e.g., In re Bank of New York Mellon Corp. Forex Transactions Litig.*, 66 F. Supp. 3d 406, 410 (S.D.N.Y. 2014).

Plaintiff cites a bevy of cases from New York to Minnesota to Texas for the proposition that the attorney-client can be waived. That is not in question. What is in question is whether

Ms. Maxwell’s attorney-client privilege has been waived. Plaintiff makes a one-sentence argument: The privilege “was waived by her affirmative submission of Mr. Barden’s declaration which included *references* to attorney-client communications between [Ms. Maxwell] and Mr. Barden.” Mot. 8 (emphasis supplied). We italicize the plural “references” to accentuate the disingenuousness of the argument, which identifies *no* “reference,” let alone “references,” to attorney-client communications in Mr. Barden’s declaration. *See id.*

Five pages earlier, in the “Background” section of the motion, plaintiff does identify two sentences in Mr. Barden’s declaration that she says effected a waiver of the attorney-client privilege: “I did not ask Ms. Maxwell to respond point by point to Ms. Giuffre’s factual allegations in the CVRA joinder motion. What we needed to do was issue an immediate denial and that necessarily had to be short and to the point.” Doc.542-7, Ex.K ¶ 13.

As we suggested above, *see* This Resp. 3, the contention that these two sentences effected an attorney-client privilege waiver is nonsense. It is well established that “absent a client’s consent or waiver, the publication of confidential communications by an attorney does not constitute a relinquishment of the privilege by the client.” *von Bulow*, 828 F.2d at 100. Mr. Barden stated explicitly in his declaration, “I am not authorised to and do not waive Ms. Maxwell’s attorney-client privilege.” Doc.542-7, Ex.K ¶ 3. Regardless, a lawyer cannot waive his client’s attorney-client privilege by stating what he did *not* say to his client; it is frivolous to suggest otherwise.

### CONCLUSION

The Court should deny the motion to compel, and award sanctions.

Dated: March 2, 2017

Respectfully submitted,

*/s/ Laura A. Menninger*

---

Laura A. Menninger (LM-1374)

Jeffrey S. Pagliuca (*pro hac vice*)

Ty Gee (*pro hac vice*)

HADDON, MORGAN AND FOREMAN, P.C.

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Fax: 303.832.2628

lmenninger@hmflaw.com

*Attorneys for Ghislaine Maxwell*



**CERTIFICATE OF SERVICE**

I certify that on March 2, 2017, I electronically served this *Defendant's Response to "Motion to Compel" Work Product and Attorney-Client Communications with Philip Barden* via ECF on the following:

Sigrid S. McCawley  
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/s/ Nicole Simmons  
Nicole Simmons

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VIRGINIA L. GIUFFRE,  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
Defendant.  
-----X

15-cv-07433-RWS

**Declaration of Laura A. Menninger in Support of  
Defendant's Response to "Motion to Compel" Work Product  
and Attorney-Client Communication with Philip Barden**

I, Laura A. Menninger, declare as follows:

1. I am an attorney at law duly licensed in the State of New York and admitted to practice in the United States District Court for the Southern District of New York. I am a member of the law firm Haddon, Morgan & Foreman, P.C., counsel of record for Defendant Ghislaine Maxwell in this action. I respectfully submit this Declaration in support of Ms. Maxwell's Response to "Motion to Compel" Work Product and Attorney-Client Communications with Philip Barden.

2. Attached as Exhibit A (filed under seal) are true and correct copies of excerpts from Ms. Maxwell's Initial F. R.C.P. 26(a)(1)(A) Disclosures, dated February 24, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 2, 2017.

*s/ Laura A. Menninger*  
\_\_\_\_\_  
Laura A. Menninger

**CERTIFICATE OF SERVICE**

I certify that on March 2, 2017, I electronically served this *Declaration of Laura A. Menninger in Support of Defendant's Response to "Motion to Compel" Work Product and Attorney-Client Communications with Philip Barden* via ECF on the following:

Sigrid S. McCawley  
Meredith Schultz  
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/s/ Nicole Simmons

Nicole Simmons

# **EXHIBIT A**

United States District Court  
Southern District Of New York

-----X

Virginia L. Giuffre,  
  
Plaintiff,

v.

Ghislaine Maxwell,  
  
Defendant.

15-cv-07433-RWS

-----X

**DEFENDANT GHISLAINE MAXWELL'S  
INITIAL F.R.C.P. 26(a)(1)(A) DISCLOSURES**

Pursuant to F.R.C.P. 26(a)(1)(A), Defendant Ghislaine Maxwell makes the following disclosures:

**I. IDENTITIES OF INDIVIDUALS LIKELY TO HAVE DISCOVERABLE  
INFORMATION RELEVANT TO DISPUTED FACTS ALLEGED WITH  
PARTICULARITY IN THE PLEADINGS**

1. Ghislaine Maxwell  
c/o Laura A. Menninger, Esq.  
Haddon, Morgan & Foreman, P.C.  
150 E. 10<sup>th</sup> Ave.  
Denver, CO 80203  
303-831-7364  
[LMenninger@HMFLLaw.com](mailto:LMenninger@HMFLLaw.com)

Ms. Maxwell is the Defendant and may have knowledge concerning matters at issue, including the events of 1999-2002 and the publication of statements in the press in 2011-2015.

2. Virginia Lee Roberts Giuffre  
c/o Sigrid S. McCawley, Esq.  
Boies, Schiller & Flexner LLP  
401 East Las Olas Boulevard, Suite 1200

Miami, Florida 33301  
(954) 356-0011  
[smccawley@bsflp.com](mailto:smccawley@bsflp.com)

Ms. Giuffre is the Plaintiff and has knowledge concerning the matters at issue in her Complaint, including the events of 1996-2015 and the publication of statements in the press in 2011-2015.

3. Philip Barden  
Devonshires Solicitors LLP  
30 Finsbury Circus  
London, United Kingdom  
EC2M 7DT  
DX: 33856 Finsbury Square  
(020) 7628-7576  
[Philip.Barden@devonshires.co.uk](mailto:Philip.Barden@devonshires.co.uk)

Mr. Barden has knowledge concerning press statements by Plaintiff and Defendant in 2011-2015 at issue in this matter.

4. Paul Cassell  
College of Law, University of Utah  
383 South University Street  
Salt Lake City, UT 84112  
801-585-5202  
[paul.cassell@law.utah.edu](mailto:paul.cassell@law.utah.edu)

Mr. Cassell has knowledge concerning press statements by Plaintiff, Plaintiff's court pleadings, and Plaintiff's sworn testimony.

5. Alan Dershowitz  
c/o Richard A. Simpson, Esq.  
WILEY REIN, LLP  
1776 K Street NW  
Washington, D.C. 20006  
(202) 719-7000

Mr. Dershowitz has knowledge concerning Plaintiff's false statements to the press, in court pleadings, and in sworn testimony, at issue in this matter.

6. Bradley Edwards  
Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.  
425 N. Andrews Ave., Suite 2  
Ft. Lauderdale, FL 33301  
(954) 524-2820  
[brad@pathtojustice.com](mailto:brad@pathtojustice.com)

Dated: February 24, 2016.

Respectfully submitted,

*s/ Laura A. Menninger*

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Laura A. Menninger (LM-1374)  
HADDON, MORGAN AND FOREMAN, P.C.  
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Denver, CO 80203  
Phone: 303.831.7364  
Fax: 303.832.2628  
lmenninger@hmflaw.com

*Attorney for Ghislaine Maxwell*

#### **CERTIFICATE OF SERVICE**

I certify that on February 24, 2016, I electronically served this *DEFENDANT GHISLAINE MAXWELL'S INITIAL F.R.C.P. 26(A)(1) DISCLOSURES* via e-mail on the following:

Sigrid S. McCawley  
BOIES, SCHILLER & FLEXNER, LLP  
401 East Las Olas Boulevard, Ste. 1200  
Ft. Lauderdale, FL 33301  
smccawley@bsflp.com

*s/ Laura A. Menninger*

---

Laura A. Menninger



# **EXHIBIT D**

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

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**PLAINTIFF'S SECOND AMENDED SUPPLEMENTAL RESPONSE AND  
OBJECTIONS TO DEFENDANT'S FIRST SET OF  
DISCOVERY REQUESTS TO PLAINTIFF**

Plaintiff hereby serves her second amended supplemental responses and objections to Defendant's First Set of Discovery Requests.

**GENERAL OBJECTIONS**

Defendant's First Set of Discovery Requests violates Local Civil Rule 33.3. Defendant has served interrogatories that are in direct violation of that Rule because the interrogatories are not "restricted to those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature." Local Civil Rule 33.3(a). Instead, they seek information under subsections (b) and (c) of Local Civil Rule 33.3, and therefore, they should not be served because they are not "a more practical method of obtaining the information sought than a request for production or a deposition," and because they were served in advance of the period "30 days prior to the discovery cut-off date."

Local Civil Rule 33.3(b), (c). The interrogatories you served violate Local Rule 33.3 and we ask that you immediately withdraw those interrogatories. *See* Rule 33.3, Local Rules for the Southern District of New York; *see also Shannon v. New York City Transit Auth.*, No. 00 CIV. 5079 (Sweet, J.), 2001 WL 286727, at \*3 (S.D.N.Y. Mar. 22, 2001); accord *Gary Friedrich Enterprises, LLC v. Marvel Enterprises, Inc.*, No. 08 CIV. 1533 BSJ JCF, 2011 WL 1642381, at \*4 (S.D.N.Y. Apr. 26, 2011). Specifically, Rule 33.3 provides:

- (a) Unless otherwise ordered by the Court, at the commencement of discovery, interrogatories will be restricted to those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature.
- (b) During discovery, interrogatories other than those seeking information described in paragraph (a) above may only be served (1) if they are a more practical method of obtaining the information sought than a request for production or a deposition, or (2) if ordered by the Court.
- (c) At the conclusion of other discovery, and at least 30 days prior to the discovery cut-off date, interrogatories seeking the claims and contentions of the opposing party may be served unless the Court has ordered otherwise.

Similarly, Requests for Production numbers 1, 2, 4, 6(i), 9, 12, 30, 35 and 37 also violate Local Rule 33.3 in that they rely on the offending interrogatory requests. The Rule provides that a party must first try to obtain discovery through document production and testimony. Discovery does not close in this case until July 1, 2016, and Defendant has not yet noticed a deposition. As such, these interrogatories violate Local Rule 33.3 and are premature.

Defendant's First Set of Discovery Requests also violates Rule 33, Fed. R. Civ. P., which provides "a party may serve on any other party no more than 25 interrogatories, including all discrete subparts" – in that Defendant has served a total of 59 interrogatories, including subparts,

in violation of Rule 33. We ask that you immediately withdraw those interrogatories that exceed the 25 interrogatory limit set by Rule 33.

Ms. Giuffre objects to Defendant's First Set of Discovery Requests to the extent they seek information that is protected by any applicable privilege, including but not limited to, attorney client privilege, work product privilege, joint defense/common interest privilege, public interest privilege, and any other applicable privilege.

Ms. Giuffre objects to the requests to the extent Defendant's First Set of Discovery Requests call for the production of documents or information that is already in the possession, custody, or control of the Defendant. Ms. Giuffre further objects to the requests to the extent that Defendant's First Set of Discovery Requests is duplicative of documents and information that can equally or more readily be obtained by the Defendant.

Ms. Giuffre objects to the requests to the extent that they seek documents that are not relevant, material, or necessary to this action and, thus, are not reasonably calculated to lead to the discovery of admissible evidence. Many of the requests in the Defendant's First Set of Discovery seek documents that are in no way limited to their relation to this case. Indeed, they seek documents that are not important to resolving the issues; documents that are not relevant to any party's claim or defense; and documents that are not proportional to the needs of the case. Such requests create a heavy burden on Ms. Giuffre that outweighs any benefit. Such discovery is prohibited by the Federal Rules of Civil Procedure, particularly under the 2015 amendments to Rule 26(b)(1), Fed. R. Civ. P., and is wholly inappropriate.

Ms. Giuffre objects to the requests to the extent that they are overly broad and unduly burdensome, as individually logging all privileged responsive documents would be overly burdensome. Plaintiff contends that requests targeting such privileged information are overly

broad under Rule 26(b)(1), Fed. R. Civ. P. Specifically, Ms. Giuffre objects to the requests as overly burdensome to the extent that they would require logging voluminous and ever-increasing privileged communications between Ms. Giuffre and her counsel after the date litigation commenced on September 21, 2015. Ms. Giuffre objects to the requests as overly burdensome to the extent that they would require logging voluminous privileged documents between Ms. Giuffre and her counsel related to *Jane Doe #1 and Jane Doe #2 v. United States*, Case no. 08-80736-CIV-Marra, pending in the Southern District of Florida; *Bradley Edwards and Paul Cassell v. Alan Dershowitz*, Case no. CACE 15-000072, pending in the Seventeenth Judicial Circuit, Broward County, Florida; and *Jane Doe No. 102 v. Jeffrey Epstein*, Case No. 09-80656-CIV-Marra/Johnson (Southern District of Florida). Accordingly, due the undue burden of individually logging responsive privileged documents related to Defendant's overly broad requests, Plaintiff has employed categorical logging of such privileged responsive documents pursuant to Local Civil Rule 26.2(c).

Ms. Giuffre objects to the requests in that they seek to invade her privacy for the sole purpose of harassing and intimidating Ms. Giuffre who was a victim of sexual trafficking. Ms. Giuffre objects to the requests to the extent they are overly broad and unduly burdensome.

Ms. Giuffre objects to Defendant's definition of "your attorneys" because it includes names of attorneys that do not represent her, including Spencer Kuvin and Jack Scarola.

Ms. Giuffre's responses to Defendant's First Set of Discovery Requests are being made after reasonable inquiry into the relevant facts, and are based only upon the information and documentation that is presently known to her. Ms. Giuffre reserves the right to modify and/or supplement her responses. Ms. Giuffre is producing documents and information herewith, and she will continue to review and produce relevant documents until completion.

Ms. Giuffre incorporates her above-listed general objections in the responses herein.

### **INTERROGATORIES**

1. State:
  - a. Your present residential address;
  - b. Each residential address You have had since 1998, including any residential treatment facilities;
  - c. the dates You lived at each address;
  - d. the other Persons who lived with You at each address and for what period of time they lived at such address.

#### **Response to Interrogatory One:**

Ms. Giuffre objects to this interrogatory in part because it violates Rule 33.3. Ms. Giuffre objects to this interrogatory in that it seeks information that is sought by Defendant only to harass and intimidate Ms. Giuffre who was a victim of sexual trafficking. Per the Plaintiff's First Responses and Objections, and per our representations during the March 21, 2016 meet and confer phone call, we are working diligently to find information to supplement the below information with regard to address and dates, and once that information is obtained, Plaintiff will serve supplemental responses. Additionally, per the March 21, 2016 meet and confer phone call, we are addressing with the Plaintiff whether she will reveal her address to Defendant's counsel confidentially and we will update you with her response.

- a. Due to safety concerns with respect to Ms. Giuffre and her minor children, she is not at liberty to reveal her present residential location. To ensure that Defendant is not prejudiced by the failure to provide information about Ms.

Giuffre's specific residential location, Ms. Giuffre agrees to have her attorney's accept service on her behalf of any necessary communication or filings in this matter to be addressed to: Sigrid McCawley, Esq. Boies Schiller & Flexner LLP, 401 East Las Olas Blvd., Suite 1200, Fort Lauderdale, FL 33316.

- b. Ms. Giuffre can recall living at the following addresses during the period of 1998 to the present. Ms. Giuffre may have lived at other locations for which she does not presently have the address. Ms. Giuffre is providing the information she has presently to the best of her recollection and review of documents and will supplement to the extent she obtains additional information responsive to this interrogatory.
- c. Ms. Giuffre believes she has lived at the following residences:
  - In January 1998, Ms. Giuffre was 14 years old. Ms. Giuffre recalls one facility named "Growing Together" that was located in or around Palm Beach, but she does not recall the dates when she resided at the facility.
  - From 2000-2002, Ms. Giuffre lived and travelled with Jeffrey Epstein and stayed at his various mansions in New York (9 E. 71st Street, New York, NY 10021-4102), Palm Beach (358 El Brillo Way, Palm Beach, Florida 33480, New Mexico (Zorro Ranch, 49 Zorro Ranch Rd., Stanley, New Mexico 87056), U.S.V.I. (Little St. James, 6100 Red Hook Quarters, Suite B3,



St. Thomas, Virgin Islands 00802), and Paris (22 Avenue Foch Apt 2DD, Paris, France 75116).

- Jeffrey Epstein also rented a residence for Ms. Giuffre in Royal Palm Beach, the exact address and dates of rental are in the possession, custody and control of Jeffrey Epstein. Tony Figueroa, James Michael Austrich and a few other individuals for whom Ms. Giuffre cannot recall the names of, stayed with her from time to time at the residence that Jeffrey Epstein rented.
- Ms. Giuffre's parents' address was 12959 Rackley Road, Loxahatchee, Florida 33470, and she lived there from time to time with her mother, her father, and her brothers.
- 2C Quentin St. Basshill NSW in approximately 2003, but she is not certain of that date. At this location, Ms. Giuffre lived with Robert Giuffre.
- N. Paramentata, NSW from approximately 2003 - 2005, but she is not certain of those dates. At this location, Ms. Giuffre lived with Robert Giuffre.
- Blue Bay, NSW from approximately 2005 - 2008 but is not certain of those dates. At this location, Ms. Giuffre lived with Robert Giuffre.
- 3 Elk St., NSW from approximately 2008 - 2009 but is not certain of those dates. At this location, Ms. Giuffre lived with Robert Giuffre.
- 50 Robertson Road, Basshill, NSW, from 2009 through January of 2010. At this location, Ms. Giuffre lived with Robert Giuffre.

- 50 Bundeena Rd., Glenning Valley, NSW from approximately January of 2010 through October 13, 2013. At this location, Ms. Giuffre lived with Robert Giuffre.
- 5035 Winchester Drive, Titusville, FL from approximately November 6, 2013 to October of 2014. At this location, Ms. Giuffre lived with Robert Giuffre.
- 1270 J. Street, Penrose, CO 81240, from approximately October of 2014 through October of 2015. At this location Ms. Giuffre lived with Robert Giuffre.

2. Identify any email address, email account, cellphone number and cellphone provider, social media account and login or screen name, text or instant messaging account name and number, that You have used, applied for or been supplied between 1998 and the present.

**Response to Interrogatory No. 2**

Ms. Giuffre objects to this request in that it violates Rule 33.3. Ms. Giuffre objects to this request in that it is overly broad and seeks information solely to harass and intimidate Ms. Giuffre.

For the period of 1998 to the present Ms. Giuffre provides the following information. During the time period that she was sexually trafficked by Jeffrey Epstein and the defendant, the defendant provided Ms. Giuffre with a cellphone so that she could be reached by the Defendant and Jeffrey Epstein at any time. Defendant is in possession of the information relating to this cellphone that she provided to Ms. Giuffre. Ms. Giuffre is responding with the information she can presently recall, but to the extent she obtains additional information she will supplement this response. Ms. Giuffre's e-mail address is [REDACTED] She can recall having the following cell numbers [REDACTED] Ms. Giuffre had a

Facebook account for a short time but it is no longer active. Per our representations during the March 21, 2015 meet and confer phone call, we are working diligently to find information to supplement the above information, and once that information is obtained, Plaintiff will serve supplemental responses.

3. Identify each attorney who has represented you from 1998 to the present, the dates of any such representation, and the nature of the representation.

**Response to Interrogatory No. 3**

Ms. Giuffre objects to this interrogatory as it seeks privileged information relating to her representation by attorneys.

- Ms. Giuffre responds as follows: Bob Josefsberg, Katherine W. Ezell, Amy Ederi (among other possible Podhurst Orseck, P.A. attorneys) represented Ms. Giuffre as a party in the litigation styled as *Jane Doe No. 102 v. Jeffrey Epstein, Case No. 09-80656-CIV-Marra/Johnson*, starting on January 27, 2009.
- Stan Pottinger, David Boies, and Sigrid McCawley (along with other Boies Schiller & Flexner LLP (“Boies Schiller”) attorneys) represented Ms. Giuffre as a non-party in the litigation styled as *Bradley Edwards and Paul Cassell v. Alan Dershowitz*, Case no. 15-000072, Seventeenth Judicial Circuit, Broward County, Florida, starting in February, 2015.
- Brad Edwards (along with other Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L. (“Farmer Jaffe”) attorneys), Paul Cassell, Stan Pottinger, David Boies and Sigrid McCawley (along with other Boies Schiller attorneys) represent Ms. Giuffre as a party in the litigation styled *Giuffre v. Maxwell*, 15-cv-07433-RWS in the Southern District of New York, the complaint of which was filed in September, 2015.
- Paul Cassell represents Ms. Giuffre as a non-party in the litigation styled as *Jane Doe #1 and Jane Doe #2 v. United States*, Case No. 08-80736-CIV-Marra, Southern District of Florida, starting in May of 2014.
- Brad Edwards (along with other Farmer, Jaffe attorneys) represents Ms. Giuffre as a non-party in the litigation styled as *Jane Doe #1 and Jane Doe #2 v. United States*, Case No. 08-80736-CIV-Marra, Southern District of Florida, starting in 2011.

- Brad Edwards provided Ms. Giuffre with legal advice concerning media inquiries Ms. Giuffre had received starting in 2011.
- Paul Cassell, Brad Edwards (along with other Farmer, Jaffe, attorneys), Stan Pottinger, David Boies (along with other Boies Schiller attorneys) represented Ms. Giuffre regarding investigations into potential legal action starting in the second half of 2014.
- Paul Cassell, Brad Edwards (along with other Farmer, Jaffe, attorneys), Stan Pottinger, David Boies, and Sigrid McCawley (along with other Boies Schiller attorneys) represent Ms. Giuffre as a cooperating witness with regard to a law enforcement investigation, starting in May, 2015.
- Paul Cassell provided Ms. Giuffre with legal advice concerning potential legal action starting in early 2011.
- Paul Cassell and Brad Edwards (along with other Farmer, Jaffe, attorneys) represented Ms. Giuffre and Victims Refuse Silence, giving advice regarding Victims Refuse Silence, starting in October, 2014.
- Meg Garvin (law professor at Lewis & Clark Law School, and the Executive Director of the National Crime Victim Law Institute ) represented Ms. Giuffre and Victims Refuse Silence, giving advice regarding Victims Refuse Silence, starting in October, 2014.
- Sigrid McCawley (along with other Boies Schiller attorneys) represented Ms. Giuffre and Victims Refuse Silence, giving advice regarding Victims Refuse Silence, starting in February 2015.

4. Identify each Communication, including the transmission of any Document, that You or Your Attorneys have had with any local, state or federal law enforcement agent or agency, whether in the United States or any other country, whether in Your capacity as a purported victim, witness, or perpetrator of any criminal activity, and whether as a juvenile or as an adult, including without limitation:

- a. the date of any such Communication;

- b. the form of any such Communication, whether oral or written and if written, the format of any such Communication;
- c. the identities of all persons involved in the Communication, including the identity of the law enforcement agency with whom the agent is or was affiliated;
- d. the case number associated with any such Communication;
- e. the subject matter of any such Communication;
- f. the disposition of any case associated with any such Communication, irrespective of whether the matter was sealed, expunged or later dismissed.

**Response to Interrogatory No. 4**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects to this interrogatory in that it seeks protected information regarding confidential investigations. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the public interest privilege, and any other applicable privilege. Ms. Giuffre objects to the extent this seeks information regarding sexual assaults that occurred prior to her involvement with the Defendant and Jeffrey Epstein. Ms. Giuffre responds as follows: Ms. Giuffre, in accordance with the Court's direction at the hearing on April 21, 2016, has submitted documents to the Court for *In Camera* review. Ms. Giuffre met with the FBI on or about March 17, 2011. Ms. Giuffre also corresponded with Maria Villafano from the U.S. Attorney's office and that correspondence has been produced.

5. Identify each Communication that You or Your Attorneys have had with any author, reporter, correspondent, columnist, writer, commentator, investigative journalist,

photojournalist, newspaper person, freelance reporter, stringer, or any other employee of any media organization or independent consultant to the same, including:

- a. the date of any such Communication;
- b. the form of any such Communication, whether oral or written and if written, the format of any such Communication;
- c. the identities of all persons involved in such Communication, including the identity of the media organization with whom the agent is or was affiliated;
- d. the article title, date of publication, and means of publication of any article, report, or re-printing of any such Communication made by You or Your Attorneys;
- e. the amount of Income that You and/or Your Attorneys received in exchange for any such Communication;
- f. the dates on which You and/or Your Attorneys received any such Income for any such Communication.

**Response to Interrogatory No. 5**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the public interest privilege, and any other applicable privilege. Ms. Giuffre objects in that this request is overly broad and unduly burdensome.

6. Identify any “false statements” attributed to Ghislaine Maxwell which were “published globally, including within the Southern District of New York” as You contend in paragraph 9 of Count 1 of Your Complaint, including:

- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;
- d. the URL or internet address for any internet version of such publication; and
- e. the nature of the publication, whether in print, internet, broadcast or some other form of media.

**Response to Interrogatory No. 6**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the public interest privilege, and any other applicable privilege. Ms. Giuffre further objects because the information requested above is in the possession of Defendant who has failed to comply with her production obligations in this matter.

7. State whether You believe that You have ever been defamed by anyone other than Ghislaine Maxwell. If so, as to each alleged act of Defamation, state

- a. the exact false statement;
- b. the date of its publication;
- c. the publishing entity and title of any publication containing the purportedly false statement;



- d. the URL or internet address for any internet version of such publication; and
- e. the nature of the publication, whether in print, internet, broadcast or some other form of media.

**Response to Interrogatory No. 7**

Ms. Giuffre objects to this request in that it violates Local Rule 33.3. Ms. Giuffre objects to this request in that it seeks information protected by the attorney client and work product privileges. Ms. Giuffre objects to this interrogatory in that it is not limited in time or to the subject nature of this litigation.

8. Identify the individuals referenced in Your pleadings filed in the U.S. District Court for the Southern District of Florida, *Jane Doe 1 and Jane Doe 2 v. United States of America*, 08-cv-80736-KAM, as the “high-profile non-party individuals” to whom Mr. Jeffrey Epstein sexually trafficked You, “including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders,” including as to each episode of alleged sexual trafficking:

- a. the date of any such sexual trafficking;
- b. the location of any such sexual trafficking;
- c. any witnesses to any such sexual trafficking;
- d. any Income You received in exchange for such sexual trafficking; and
- e. any Documents You have to support or corroborate Your claim of such sexual trafficking.

**Response to Interrogatory No. 8**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work

product privilege, joint defense/common interest privilege, the public interest privilege, and any other applicable privilege. Additionally, Ms. Giuffre objects to this interrogatory because naming some such individuals would jeopardize her physical safety based on credible threats to the same. Ms. Giuffre refers to the list of witnesses identified in her Revised Rule 26 Disclosures.

9. Identify any Employment You have had from 1996 until the present, including without limitation, the name of Your employer or the name of any Person who engaged You for such Employment, the address and telephone number for any such Employment, the beginning and ending dates of any such Employment, Your job title in such Employment, and Your Income from such Employment.

**Response to Interrogatory No. 9**

Ms. Giuffre objects to this request in that it is overly broad and unduly burdensome, and seeks information that is not relevant to this case.

Ms. Giuffre responds as follows:

- Ms. Giuffre worked at Mar a Lago as a locker room attendant for the spa area. Records produced in this case identify the date of employment as 2000, and she recalls being there in the summer. Ms. Giuffre previously attempted to gather employment records from Mar-A-Lago. *See* Giuffre002726. She earned approximately \$9 per hour. The address is 1100 South Ocean Boulevard, Palm Beach, Florida 33480, with the telephone number of 561-832-2600
- Ms. Giuffre worked at Roadhouse Grill as a waitress in approximately 2002, but Ms. Giuffre is unsure of the exact dates of employment. Her wages primarily consisted of tips. Ms. Giuffre does not recall the location of Roadhouse Grill. A Google search for

the same yields an address at 8865 Southern Blv., West Palm Beach, FL 33411 and a telephone number of 561-651-0400.

- Ms. Giuffre worked at Employment Training and Recruitment Australia from approximately 2005 through January of 2006, but Ms. Giuffre is unsure of the exact dates of employment. Ms. Giuffre was a receptionist earning approximately \$15 per hour to the best of her recollection. Upon information and belief, this corporation is currently located in a different location from the location at which Ms. Giuffre was employed. Upon information and belief, based on an internet search, the new location of this entity is 123 Donniform Street, Gofford NSW 2250, with a telephone number of 02-4323-1233
- Ms. Giuffre worked at Gemma Catering/Wedding Receptions in approximately 2004. She received approximately \$10/hr. She does not recall the name of the proprietor nor its location.
- Ms. Giuffre worked at Manway Logistics in approximately 2003. Ms. Giuffre recalls it located in or around Sydney, Australia. An internet search yielded an address of 246 Miller Road, Villawood NSW 2163, and a phone number of 02-8707-2300. Ms. Giuffre worked as a receptionist and earned approximately \$20/hr.

10. Identify any Income from any source other than Your Employment that You have received from January 1, 1996 until the present, including the Person or entity providing such Income, the amount of the Income, the dates on which any such Income was received, and the nature of the Income, whether a loan, investment proceeds, legal settlement, asset sale, gift, or other source.

**Response to Interrogatory No. 10**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects to this request in that it is overly broad and seeks confidential financial information. Ms. Giuffre objects to this interrogatory in that it seeks information covered by confidentiality provisions. Ms. Giuffre objects to this information in that any payment information for the sexual trafficking she endured at the hands of Jeffrey Epstein and Ghislaine Maxwell is in the possession, custody and control of the Defendant and Jeffrey Epstein.

Ms. Giuffre is in possession of a responsive document that contains a confidentiality provision. If Defendant obtains, and produces to Ms. Giuffre, a written waiver from her co-conspirator, Mr. Epstein, of the confidentiality provision, freeing Ms. Giuffre from any liability whatsoever under the confidentiality provision, she will produce the document.

11. Identify any facts upon which You base Your contention that You have suffered as a result of the Alleged Defamation by Ghislaine Maxwell “past and future lost wages and past and future loss of earning capacity and actual earnings – precise amounts yet to be computed, but not less than \$5,000,000.”

**Response to Interrogatory No. 11**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects to this interrogatory in that it prematurely seeks expert witness disclosures. Ms. Giuffre incorporates by reference herein her Revised Rule 26 disclosures, which includes her computation of damages.

12. Identify any Health Care Provider from whom You received any treatment for any

physical, mental or emotional condition, that You suffered from subsequent to any

Alleged Defamation by Ghislaine Maxwell, including:

- a. the Health Care Provider's name, address, and telephone number;
- b. the type of consultation, examination, or treatment provided;
- c. the dates You received consultation, examination, or treatment;
- d. whether such treatment was on an in-patient or out-patient basis;
- e. the medical expenses to date;
- f. whether health insurance or some other person or organization or entity has paid for the medical expenses; and
- g. for each such Health Care Provider, please execute the medical and mental health records release attached hereto as Exhibit A.

**Response to Interrogatory No. 12**

Pursuant to this Court's Order, Ms. Giuffre will provide information for health care providers from 1999 through the present. Ms. Giuffre continues to search for medical providers that appear in documents.

- Dr. Steven Olson, St. Thomas More Hospital, 1338 Phay Avenue, Canon City, CO 81212, treated Ms. Giuffre as described in the medical records produced at [GIUFFE005342-5346](#).
- Dr. Mona Devansean, 11476 Okeechobee Blvd., Royal Palm Beach, FL. It appears Dr. Devansean is retired. We produced the letter we sent her as well as a document indicating the practice was closed at [GIUFFRE005335-GIUFFRE0005338](#).

- Dr. Chris Donahue, 12 Clifton Village Shopping Centre, Captain Hook Hwy, Clifton Beach, QLD 4879 is believed to have treated Ms. Giuffre. Ms. Giuffre has sent a release to Dr. Donahue, and is awaiting a response.
- Dr. John Harris and Dr. Darshanee Majaliyana at The Entrance Medical Centre, 120 The Entrance Road, The Entrance 2261, 43321300, treated Ms. Giuffre as described in the records produced at GIUFFRE005315-5322.
- Dr. Wah Wah, Central Coast Family Medicine, Unit 2, 17 Anzac Rd., Tuggerah 2259, 0243518777 treated Ms. Giuffre as described in the medical records produced at GIUFFRE005339-5341.
- Dr. M. Sellathurai (a/k/a Dr. Sella), Buss Hill Plaza, Medical Center, 753 Hume Highway, Bass Hill NSW 2197, 02297555292 treated Ms. Giuffre as described in the medical records produced at GIUFFRE005089-5091.
- Royal Oaks Medical Center, 1855 Knox McRae Dr., Titusville, FL 32780, was believed to have possibly treated Ms. Giuffre, but Medical Center responded stating that they have no records for Ms. Giuffre, *see* GIUFFRE005347-5349.
- Dr. Carol Hayek, Denison Road, Dulwich Hill, NSW 2203. Records have been requested, but thus far have been denied. Another medical release was sent and is pending.
- New York Presbyterian Hospital treated Ms. Giuffre as described in the medical records produced at Giuffre003258-3298.
- Campbelltown Hospital, 8 Moncreff [illegible] Close, St. Helens treated Ms. Giuffre as described in the medical records produced at Giuffre003193-3257.

- Sydney West Hospital treated Ms. Giuffre as described in the medical records produced at Giuffre003291-3298.
- Westmead Hospital treated Ms. Giuffre on as described in the medical records produced at GIUFFRE003291-003298.
- As Defendant requested, Medical releases have been provided for:
  - Dr. Karen Kutikoff
  - Wellington Imaging Associates, PA
  - Growing Together

13. Identify any Health Care Provider from whom You received any treatment for any physical, mental or emotional condition, including addiction to alcohol, prescription or illegal drugs, that You suffered from prior to the Alleged Defamation by Ghislaine Maxwell, including:

- a. the Health Care Provider's name, address, and telephone number;
- b. the type of consultation, examination, or treatment provided;
- c. the dates You received consultation, examination, or treatment;
- d. whether such treatment was on an in-patient or out-patient basis;
- e. the medical expenses to date;
- f. whether health insurance or some other person or organization or entity has paid for the medical expenses; and
- g. For each such Health Care Provider, please execute the medical and mental health records release attached hereto as Exhibit A.

**Response to Interrogatory No. 13**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects to this request in that it is overbroad and seeks confidential medical information of a sex



abuse victim and is not limited in scope to the issues in this case. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, and any other applicable privilege. Ms. Giuffre objects to this request in that it is not limited in scope to the medical information relating to the abuse she suffered from Defendant and Jeffrey Epstein.

14. Identify any Person who You believe subjected You to, or with whom You engaged in, any illegal or inappropriate sexual contact, conduct or assault prior to June 1999, including the names of the individuals involved, the dates of any such illegal or inappropriate sexual contact, conduct or assault, whether Income was received by You or anyone else concerning such event, whether a police report was ever filed concerning such event and the outcome of any such case, as well as the address and location of any such event.

**Response to Interrogatory No. 14**

Ms. Giuffre objects to this interrogatory in that it violates Local Rule 33.3. Ms. Giuffre objects to this request in that it is overbroad and seeks confidential medical information of a sex abuse victim. Ms. Giuffre objects to this request in that it seeks sexual assault information for a period prior to the sexual abuse at issue in this matter for a period when she was a minor child from the time Ms. Giuffre was born until she was 15. Ms. Giuffre objects to this request in that it is sought solely to harass, and intimidate Ms. Giuffre who is a victim of sexual abuse by the defendant.

**REQUESTS FOR PRODUCTION**

1. **All Communications and Documents identified in Interrogatories 1-14, above.**

**Response to Request No. 1**

Ms. Giuffre objects to this request in that Defendant's interrogatories violate Local Rule 33.3. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the public interest privilege, and any other applicable privilege. Ms. Giuffre objects to this request on the grounds that it is overly broad and unduly burdensome, incorporating the interrogatories that total 59 subparts, and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects to this request in that it seeks to invade the privacy rights of a sex abuse victims, and is meant for the improper purpose of harassing and intimidating this victim.

Subject to and without waving the above objections, Ms. Giuffre is withholding production of documents that are privileged pursuant to the attorney-client privilege, the work product privilege, and the public interest privilege. Ms. Giuffre is also withholding electronic renditions of photographs that depict the faces of her minor children, including school portraits and other photographs taken that reveal the faces of her minor children.

Subjection to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request limited to documents that do not depict images of her minor children as described *supra* and will continue to supplement her production.

**2. All Documents reviewed or relied upon in answering Interrogatory Nos. 1-14 above.**

**Response to Request No. 2**

Ms. Giuffre objects to this request in that defendant's interrogatories violate Local Rule 33.3. Ms. Giuffre objects to this request in that it seeks information that is protected by the attorney client, work product, and public interest, and other applicable privileges. Ms. Giuffre objects to this request in that it is overly broad incorporating the interrogatories that total 59 subparts. Ms. Giuffre objects to this request in that it seeks to invade the privacy rights of a sex abuse victims and is meant for the improper purpose of harassing and intimidating this victim.

Subject to and without waving the above objections, Ms. Giuffre is withholding production of documents that are privileged pursuant to the attorney-client privilege, the work product privilege, and the public interest privilege. Ms. Giuffre is also withholding electronic renditions of photographs that depict the faces of her minor children, including school portraits and other photographs taken that reveal the faces of her minor children.

Subjection to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request limited to documents that do not depict images of her minor children as described *supra* and will continue to supplement her production.

**3. All Documents from any law enforcement agency, whether local, state or federal, whether in the United States or elsewhere, which concern or relate to You in any way. These Documents should include, without limitation, any witness statements, including statements made by You.**

**Response to Request No. 3**

Ms. Giuffre objects to this request in that it seeks information that is protected by the attorney client, work product, public interest privilege and other applicable privileges. Ms. Giuffre objects to this request in that it is not limited in time period.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request and will continue to supplement her production. Ms. Giuffre is withholding documents that concern or relate to any currently ongoing investigation by any law enforcement agency under the public interest privilege and other applicable privileges.

**4. All Documents reflecting any letter of engagement, any fee agreement, or any other type of writing reflecting an engagement of any attorney identified in response to Interrogatory No. 3.**

**Response to Request No. 4**

Ms. Giuffre objects to this request in that it seeks information that is protected by the attorney client, work product, joint defense and other applicable privileges. Ms. Giuffre is withholding documents based on this objection. Specifically, Ms. Giuffre is withholding documents reflecting the engagements between herself and her attorneys she has engaged in relation to the above-captioned action and other actions as those documents involve privileged communications.

**5. All Documents relating to any Communications occurring from 1998 to the present with any of the following individuals or with their attorneys, agents or representatives:**

- a. **Jeffrey Epstein;**
- b. **Ghislaine Maxwell**
- c. **Any witness disclosed in Plaintiff's Rule 26(a) disclosures;**
- d. **Any witness identified by You in response to Interrogatory No. 8 and No. 14;**
- e. **Sky Roberts;**
- f. **Lynn Roberts;**
- g. **Kimberley Roberts;**
- h. **Daniel LNU, half-brother of Plaintiff;**
- i. **Carol Roberts Kess;**
- j. **Philip Guderyon;**
- k. **Anthony Valladares;**
- l. **Anthony Figueroa;**
- m. **Ron Eppinger**

**Response to Request No. 5**

Ms. Giuffre objection to this request on the grounds that it is overly broad and unduly burdensome, particularly as it seeks documents relating to over 60 individuals, and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects because compliance with this request is unduly burdensome. Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms.

Giuffre and between Jeffrey Epstein and Ms. Giuffre. Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney-client, work product, joint defense, public interest or any other applicable privilege. Ms. Giuffre objects to this request in that it is sought solely to harass and intimidate Ms. Giuffre, and invade her privacy, by seeking her private communications with her various family members, including aunts, uncles and parents and siblings.

Subject to and without waving the above objections, Ms. Giuffre is withholding production of documents that are privileged pursuant to the attorney-client privilege, the work product privilege, and the public interest privilege. Ms. Giuffre is also withholding electronic renditions of photographs that depict the faces of her minor children, including school portraits and other photographs taken that reveal the faces of her minor children.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request limited to documents that do not depict images of her minor children as described *supra* and will continue to supplement this production.

**6. All photographs or video containing any image of You and the following individuals. To the extent You have such photographs and video in their original, native format, please produce them in that format (not a paper copy).**

- a. Ghislaine Maxwell**
- b. Alan Dershowitz**
- c. Jeffrey Epstein**
- d. Andrew Albert Christian Edward, the Duke of York (aka Prince Andrew)**

- e. **Ron Eppinger**
- f. **Bill Clinton**
- g. **Stephen Hawking**
- h. **Al Gore**
- i. **Any of the individuals identified by You in response to Interrogatory No. 8 and No. 14.**

**Response to Request No. 6**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request and will continue to supplement her production. Ms. Giuffre does not have "original, native format," as requested so she is producing the paper copies she has in her possession, custody and control.

**7. All photographs and video of You in any of Jeffrey Epstein's properties, including, but not limited to: his home in Palm Beach, Florida; his home in New York City, New York; his ranch in Santa Fe, New Mexico; and Little Saint James Island in the U.S. Virgin Islands. To the extent You have such photographs and video in their original, native format, please produce them in that format (not a paper copy).**



**Response to Request No. 7**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce documents responsive to this Request and will continue to supplement her production. Ms. Giuffre does not have "original, native format," as requested so she is producing the paper copies she has in her possession, custody and control. The Defendant has documents responsive to this request that she should produce.

**8. All photographs or video of You in any of Ms. Maxwell's properties, including her home in London, England and her home in New York City, New York. To the extent You have such photographs or video in their original, native format, please produce them in that format (not a paper copy).**

**Response to Request No. 8**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents to Ms. Giuffre's request seeking communications between the Defendant and Ms. Giuffre and between Jeffrey Epstein and Ms. Giuffre.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request and will continue to supplement her production. Ms. Giuffre does not have “original, native format,” as requested so she is producing the paper copies she has in her possession, custody and control. The Defendant has documents responsive to this request that she should produce.

**9. Any Documents reflecting rental agreements or purchase agreements for the residential addresses identified by You in response to Interrogatory No. 1.**

**Response to Request No. 9**

Ms. Giuffre objects to this Request on the grounds that it is overly broad and unduly burdensome and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects to this request in that it seeks confidential financial information that is irrelevant to this action. Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, public interest or any other applicable privilege. Ms. Giuffre objects to this request in that the information regarding rental agreements for the apartments that Defendant and Jeffrey Epstein rented for her are in the Defendant’s possession, control and custody.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request, and will continue to supplement this production.

**10. All Documents relating to Your Employment and/or association with the Mar-a-Lago Club located in Palm Beach, Florida, including any application for Employment.**

**Response to Request No. 10**

Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, public interest or any other applicable privilege.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request, and will continue to supplement this production.

**11. Any Document reflecting any confidentiality agreement by and between, or concerning, You and the Mar-a-Lago Club.**

**Response to Request No. 10**

Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, public interest or any other applicable privilege.

Ms. Giuffre has been unable to locate any such documents.

**12. All Documents concerning any Employment by You from 1998 to the present or identified by You in response to Interrogatory No. 9, including any records of Your Employment at the Roadhouse Grill in Palm Beach, Florida.**

**Response to Request No. 12**

Ms. Giuffre objects to this Request on the grounds that it is overly broad and unduly burdensome and calls for the production of documents that are irrelevant to this action and not

reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney-client, work product, joint defense, public interest or any other applicable privilege.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request, and will continue to supplement this production.

**13. All Documents concerning any allegations of theft by You from the Roadhouse Grill in Palm Beach, Florida from 1999 – 2002.**

**Response to Request No. 13**

Ms. Giuffre objects to this request in that it seeks information solely to harass, embarrass, and intimidate Ms. Giuffre. Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, public interest privilege, and any other applicable privilege. Ms. Giuffre objects to this request in that it wrongfully characterizes a “theft by You”. Ms. Giuffre objects to this request as it seeks documents of sealed juvenile records, and the only means of obtaining such records are either through court order or illegal means.

Ms. Giuffre has been unable to locate any such documents.

**14. A copy of Your federal, state or local tax returns for the years 1998 to the present, whether from the United States or any other country.**

**Response to Request No. 14**

Ms. Giuffre objects to this Request on the grounds that it is overly broad and unduly burdensome and calls for the production of documents that are irrelevant to this action and not

reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects to this request in that it seeks confidential financial information that is irrelevant to this action. Ms. Giuffre objects to this request in that it seeks financial information from her when she was a minor child starting at age 14. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the accountant client privilege, and any other applicable privilege.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request, and will continue to supplement this production.

**15. All Documents concerning Your attendance at or enrollment in any school or educational program of whatever type, from 1998 to the present.**

**Response to Request No. 15**

Ms. Giuffre objects to this Request on the grounds that it is overly broad and unduly burdensome and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the public interest privilege, and any other applicable privilege. Ms. Giuffre objects to this request in that her school records from when she was a minor child are an invasion of privacy, and sought only to harass and embarrass her.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-

privileged documents responsive to this Request, and will continue to supplement this production.

**16. Any diary, journal or calendar concerning Your activities between 1996 – 2002.**

**Response to Request No. 16**

Ms. Giuffre objections to this Request on the grounds that the time period is overly broad and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects to this request to the extent it seeks proprietary and copyright protected materials. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, and any other applicable privilege. Ms. Giuffre objects to this request in that it seeks highly personal and sensitive material from a time when she was being sexually trafficked.

Ms. Giuffre has been unable to locate any such documents.

**17. All Documents relating to Your travel from the period of 1998 to the present, including, but not limited to a copy of Your passport that was valid for any part of that time period, any visa issued to You for travel, any visa application that You prepared or which was prepared on Your behalf, and travel itinerary, receipt, log, or Document (including any photograph) substantiating Your travel during that time period.**

**Response to Request No. 17**

Ms. Giuffre objections to this Request on the grounds that it is overly broad and unduly burdensome and calls for the production of documents that are irrelevant to this action and not

reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, and any other applicable privilege. Ms. Giuffre objects to this request in that it is overly broad and not limited to travel records relevant to the abuse she suffered. Ms. Giuffre objects to this request in that it seeks information that is wholly irrelevant to this lawsuit.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request, and will continue to supplement this production. Per the agreements made in the March 21, 2016 meet and confer, we will attempt to locate and make copies of Plaintiff's current passport book.

**18. All Documents showing any payments or remuneration of any kind made by Jeffrey Epstein or any of his agents or associates to You from 1999 until the present.**

**Response to Request No. 18**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the public interest privilege, and any other applicable privilege.

At this point in time, Ms. Giuffre has been unable to locate any such documents, but continues to search for responsive documents.



**19. Any Document reflecting a confidentiality agreement, settlement agreement, or any contractual agreement of any kind, between You and Jeffrey Epstein, or any attorneys for You and/or Mr. Epstein.**

**Response to Request No. 19**

Ms. Giuffre objects to this request in that the documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein with whom she claims a joint defense privilege and defendant has refused to produce responsive documents. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the public interest privilege, and any other applicable privilege. Ms. Giuffre is in possession of a responsive document that contains a confidentiality provision. As discussed during the March 21, 2016 meet and confer, If Defendant obtains, and produces to Ms. Giuffre, a written waiver from her co-conspirator, Mr. Epstein, of the confidentiality provision, releasing Ms. Giuffre from any liability whatsoever under the confidentiality provision, she will produce the document.

**20. Any Document reflecting Your intent, plan or consideration of, asserting or threatening a claim or filing a lawsuit against another Person, any Document reflecting such a claim or lawsuit, including any complaint or draft complaint, or any demand for consideration with respect to any such claim or lawsuit against any Person.**

**Response to Request No. 20**

Ms. Giuffre objects to this Request on the grounds that it is overly broad and unduly burdensome and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms.

Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense or any other applicable privilege. Ms. Giuffre objects because this request is overly broad and unduly burdensome in that it seeks wholly privileged communications from other cases the logging of which on a privilege log would be unduly burdensome. As such, Ms. Giuffre is providing categorical privilege entries relating to those matters.

At this point in time, Ms. Giuffre has not found any non-privileged documents responsive to this request, but continues to search for responsive documents.

**21. All Documents relating to Your driver's license from 1998 – 2002.**

**Response to Request No. 21**

Ms. Giuffre objects to this Request on the grounds that it is overly broad and unduly burdensome and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein for whom she claims a joint defense privilege and defendant has refused to produce responsive documents.

At this point in time, Ms. Giuffre has not found any documents responsive to this request, but continues to search for responsive documents.

**22. A copy of Your marriage license(s) from 1999 to the present.**

**Response to Request No. 22**

Ms. Giuffre objects to this Request on the grounds that it is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre

objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, and any other applicable privilege.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this request, and will continue to supplement this production.

**23. All documents concerning Your naturalization application to Australia from 1999 to the present.**

**Response to Request No. 23**

Ms. Giuffre objects to this Request on the grounds that it is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, and any other applicable privilege.

Ms. Giuffre has been unable to locate any such documents.

**24. All Documents concerning Your Employment in Australia, including, but not limited to employment applications, pay stubs, Documents reflecting Your Income including any tax Documents.**

**Response to Request No. 24**

Ms. Giuffre objects to this Request on the grounds that it is overly broad and unduly burdensome and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects to this request in that it seeks confidential financial information Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, joint defense, or

any other applicable privilege. Ms. Giuffre objects to this request in that it seeks overly broad financial information not tailored to the sexual abuse and defamation issues in this case.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this request, and will continue to supplement this production.

**25. All Documents concerning any massage therapist license obtained by You, including any massage therapy license issued in the United States, Thailand and/or Australia.**

**Response to Request No. 25**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein for whom she claims a joint defense privilege and defendant has refused to produce responsive documents. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, and any other applicable privilege.

At this point in time, Ms. Giuffre has not found any non-privileged documents responsive to this request, but continues to search for responsive documents.

**26. All Documents concerning any prescription drugs taken by You, including the prescribing doctor, the dates of said prescription, and the dates of any fulfillment of any such prescription.**

**Response to Request No. 26**

Ms. Giuffre objects to this Request on the grounds that it is overly broad and unduly burdensome and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms.

Giuffre objects to this request in that it is not limited in date range in any way; therefore if she was on a prescription drug **when she was 2 years old**, she would have to produce that document. Ms. Giuffre also objects to this request in that it is not limited to prescription drugs she has taken as a result of the abuse she endured. Ms. Giuffre objects to this request to the extent it seeks confidential medical records that are not relevant to this action. Ms. Giuffre objects to this request to the extent it seeks documents protected by the attorney client, work product, or any other applicable privilege.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and is producing non-privileged documents responsive to the Request limited to documents relating to prescription drugs relating to her treatment for sexual abuse she suffered at the hands of the Defendant and Jeffrey Epstein, and relating to conditions or symptoms arising after Defendant's defamatory statement, and will continue to supplement this production.

**27. All Documents, written or recorded, which reference by name, or other description, Ghislaine Maxwell.**

**Response to Request No. 27**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the public interest privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-

privileged documents responsive to this Request, and will continue to supplement her production.

**28. All Documents reflecting notes of, or notes prepared for, any statements or interviews in which You referenced by name or other description, Ghislaine Maxwell.**

**Response to Request No. 28**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the public interest privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials.

At this point in time, Ms. Giuffre has not found any non-privileged documents responsive to this request, but continues to search for responsive documents.

**29. All Documents concerning any Communications by You or on Your behalf with any media outlet, including but not limited to the *Daily Mail*, *Daily Express*, the *Mirror*, *National Enquirer*, *New York Daily News*, *Radar Online*, and the *New York Post*, whether or not such communications were “on the record” or “off the record.”**

**Response to Request No. 29**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will

produce non-privileged documents responsive to this Request, and will continue to supplement her production.

**30. All Documents concerning any Income received by You from any media outlet in exchange for Your statements (whether “on the record” or “off the record”) regarding Jeffery Epstein, Alan M. Dershowitz, Prince Andrew, Bill Clinton or Ghislaine Maxwell or any of the individuals identified by You in response to Interrogatory Nos. 8 and 14.**

**Response to Request No. 30**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials. Ms. Giuffre objects to this request in that it seeks confidential financial information.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request, and will continue to supplement her production.

**31. All Documents concerning any actual or potential book, television or movie deals concerning Your allegations about being a sex slave, including but not limited to a potential book by former New York Police Department detective John Connolly and writer James Patterson.**



**Response to Request No. 31**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials. Ms. Giuffre objects to this request in that it seeks confidential financial information.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request, and will continue to supplement her production.

**32. All manuscripts and/or other writings, whether published or unpublished, created in whole or in part by or in consultation with You, concerning, relating or referring to Jeffrey Epstein, Ghislaine Maxwell or any of their agents or associates.**

**Response to Request No. 32**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials. Ms. Giuffre objects to this request in that it seeks confidential financial information.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request, and will continue to supplement her production.

**33. All Documents concerning or relating to Victims Refuse Silence, the organization referred to in the Complaint, including articles of incorporation, any financial records for the organization, any Income You have received from the organization, and any Documents reflecting Your role within the organization or any acts taken on behalf of the Organization.**

**Response to Request No. 33**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary or copyright protected materials. Ms. Giuffre objects to this request in that it seeks confidential financial information.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request, and will continue to supplement her production.

**34. To the extent not produced in response to the above list of requested Documents, all notes, writings, photographs, and/or audio or video recordings made or recorded by You or of You at any time that refer or relate in any way to Ghislaine Maxwell.**

**Response to Request No. 34**

Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein for whom she claims a joint defense privilege and defendant has refused to produce responsive documents. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work

product privilege, and any other applicable privilege. Ms. Giuffre objects to this request to the extent it seeks proprietary and copyright protected material.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request, and will continue to supplement her production.

**35. All phone records, including text messages, emails, social media Communications, letters or any other form of Communication, from or to You or associated with You in any way from 1998 to the present, which concern, relate to, identify, mention or reflect Ghislaine Maxwell, Jeffrey Epstein, Alan Dershowitz, Prince Andrew, Bill Clinton, or any of the individuals identified in response to Interrogatory Nos. 8 and 14.**

**Response to Request No. 35**

Ms. Giuffre objects to this Request on the grounds that it is overly broad and unduly burdensome and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects to this request to the extent it seeks documents from “anyone associated with you” as that is vague and ambiguous. Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein for whom she claims a joint defense privilege and defendant has refused to produce responsive documents. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, the public interest privilege, and any other applicable privilege.

Ms. Giuffre objects to this request to the extent it seeks proprietary and copyright protected material.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request, and will continue to supplement her production. While Ms. Giuffre has produced her documents, Ms. Giuffre's response does not include documents "from anyone associated with you" based on the above referenced objection.

**36. All Documents relating to massages, including but not limited to any Documents reflecting the recruiting or hiring of masseuses, advertising for masseuses, flyers created for distribution at high schools or colleges, and records reflecting e-mails or calls to Persons relating to massages.**

**Response to Request No. 36**

Ms. Giuffre objects to this Request on the grounds that it is overly broad and unduly burdensome and calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Ms. Giuffre objects to this request in that it is not time limited in any way. Ms. Giuffre objects to this request in that documents responsive to this request are within the possession, custody and control of the defendant and Jeffrey Epstein for whom she claims a joint defense privilege and defendant has refused to produce responsive documents. Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, public interest privilege, and any other applicable privilege.

Ms. Giuffre has been unable to locate any such documents.

**37. Statements or records from any bank into which You deposited money received from Jeffrey Epstein, any Person identified in Interrogatory No. 8 or 14, any witness disclosed in Your Rule 26(a) disclosures, any media organization or any employee or affiliate of any media organization.**

**Response to Request No. 37**

Ms. Giuffre objects in that it seeks information protected by the attorney-client privilege, the attorney work product privilege, joint defense/common interest privilege, the public interest privilege, and any other applicable privilege. Ms. Giuffre objects to this request in that it seeks personal financial information. Ms. Giuffre objects to this request in that it is overly broad as it has no time limitation.

Subject to and without waiving the above objections, Ms. Giuffre has already produced documents Bates labelled GIUFFRE000001 to GIUFFRE005353, and will produce non-privileged documents responsive to this Request, and will continue to supplement her production.

Dated: April 29, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

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**CERTIFICATE OF SERVICE**

I certify that on April 29, 2016, I electronically served *Plaintiff Virginia Giuffre's Second Amended Supplemental Responses and Objections to Defendant's First Set of Discovery*

*Requests* on the following:

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By: /s/ Sigrid McCawley  
Sigrid McCawley

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VIRGINIA L. GIUFFRE,  
  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
  
Defendant.  
-----X

15-cv-07433-RWS

**Defendant's Combined Motion To Compel Non-Party Witness To Produce Documents  
and Respond To Deposition Questions, And  
Response to Motion for Protective Order for Non-Party Witness**

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Defendant Ghislaine Maxwell (“Ms. Maxwell”) files this Combined Motion to Compel Non-Party Witness to Produce Documents and Respond to Deposition Questions, and Response to Motion for Protective Order for Non-Party Witness (ECF 640)<sup>1</sup> and further states as follows:

### **STATEMENT OF CONFERRAL**

The undersigned has conferred with Mr. Stanley Pottinger, who represents both Plaintiff and non-party witness Ms. Ransome, via email and telephone on the issues raised in this motion and has been unable to resolve these issues without court intervention.

### **INTRODUCTION**

Counsel for Plaintiff, also counsel for non-party witness Sarah Ransome, in mid-January belatedly disclosed a “new witness” counsel apparently had known about for months.<sup>2</sup> Plaintiff then asked this Court to re-open discovery for the deposition of Ms. Ransome, promised to make her available “immediately” for deposition and agreed to accept a subpoena for her to produce documents, in an attempt to “cure” her own late disclosure. Now, after having created a last-minute scramble to conduct discovery on facts far removed in time and circumstance from Plaintiff’s defamation claim, Plaintiff now complains that too much is being asked of her “witness.” Plaintiff protests that the requested documents and testimony sought -- all of which relate to Ms. Ransome’s allegations and credibility -- are irrelevant to this single count defamation action. Of course, the defense has said since learning of her that Ms. Ransome’s story is irrelevant to this case. But, if Plaintiff insists that Ms. Ransome should testify at trial, she must comply with properly served and propounded subpoena for testimony and records.

---

<sup>1</sup> To avoid excessive and duplicative briefing on overlapping issues, Ms. Maxwell is submitting her Response to the Motion for Protective Order together with her Motion to Compel.

<sup>2</sup> In their letter motion to the Court of January 19 as well as during the hearing of February 2 on this topic, Plaintiff claimed she had “recently” learned of this “new” witness. As it turns out, Plaintiff’s counsel Bradley Edwards, Paul Cassell and Stanley Pottinger had already signed a fee agreement to represent this witness more than two months earlier, on November 7, 2016. Plaintiff’s counsel still has not explained why they waited more than two months to disclose the witness, nor why they represented to the Court that she was a “recent” discovery.

## BACKGROUND

Plaintiff first identified Sarah Ransome as a witness on January 13, 2016, a mere two months before trial was scheduled to begin. In evaluating the relevance of the documents sought in the third-party subpoena to Ms. Ransome, and the questions posed to her in the February 17 deposition, it is important to understand how Ms. Ransome first came forward as a witness. Based on her deposition testimony, sometime in October of 2016, Ms. Ransome read an article in the New York Post written by Maureen Callahan regarding a recently published book by James Patterson concerning Jeffrey Epstein. *See Menninger Decl. Ex. A (Ransome Dep.)* at 36:25-43:24. The article details multiple things, including that Mr. Epstein has routinely settled out of court many civil cases brought against him by various women. *See Menninger Decl., Ex. B.* After reading the article, Ms. Ransome contacted Ms. Callahan via email resulting in several communications with Ms. Callahan, none of which have been produced. *See Menninger Decl. Ex. A* at 36:25-43:24. Ms. Callahan apparently did nothing with this information, in part, quite possibly, because of the lack of trustworthiness of Ms. Ransome's story.

Then, at some unknown time in early November, Ms. Ransome contacted the Boies Schiller firm and spoke with Sigrid McCawley. *Id.* at 24:25-28:5. The exact date of the first communication between the Boies Schiller firm and Ms. Ransome is unclear because she has refused to produce her telephone records, emails, or a log of any conversations and communications she deems privileged as required by the Rules. In an unusual twist, on November 7, 2016, Ms. Ransome signed an engagement letter with Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L., Stanley Pottinger and Paul Cassell (all of whom also represent

Plaintiff) to represent her as a non-party witness in this matter on a pro-bono basis.<sup>3</sup> Based on the documents produced, however, she is not represented by Boies Schiller or its attorneys. *See* Menninger Decl. Ex. C. Quite notably, despite taking on the representation of Ms. Ransome as of November 7, 2016, Ms. Ransome was not identified as a person with knowledge under Rule 26 until over two months later on January 13, 2017.

On January 26, 2017, Ms. Ransome filed a civil complaint against Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff, and Natalya Malyshev, under 18 USC § 1595, alleging the following damages:

“injury and pain; emotional distress; psychological and psychiatric trauma; mental anguish; humiliation; confusion; embarrassment; loss of self esteem; loss of dignity; loss of enjoyment of life; invasion of privacy; and other damages associated with Defendants' actions. Plaintiff will incur medical and psychological expenses. These injuries are permanent in nature and Plaintiff will continue to suffer from them in the future.”

*See* Menninger Decl. Ex. D (“Jane Doe 43 Complaint”), ¶ 64. As well, the Complaint alleges the right to civil forfeiture of Mr. Epstein’s planes, his New York mansion and his private island. *Id.* ¶¶ 62 & 63. The Complaint was filed by the Boies Schiller firm presumably on a contingency fee basis. The engagement letter for that matter has not been produced, despite the fact that it is not privileged and its obvious relevance to testing any claim of privilege. In that case, Ms. Ransome seeks millions, if not hundreds of millions, of dollars from the Defendants, including Ms. Maxwell, through her now free legal counsel, all in exchange for providing favorable testimony in this case. The motivation for fabrication of testimony could not be more acute. The majority of the discovery sought goes to this issue. It is highly relevant, probative, and must be produced.

---

<sup>3</sup> It does not appear that any of the communications concerning this representation discuss the limited nature of the representation, the obvious conflicts of interest, or a knowing and intentional waiver of those conflicts by both Ms. Ransome and Plaintiff.

**I. MS. RANSOME HAS FAILED TO PROVIDE AN APPROPRIATE PRIVILEGE LOG, THEREBY EFFECTING A WAIVER OF PRIVILEGE**

Ms. Ransome has refused to produce all but a handful of documents. *See* Menninger Decl. Ex. E, Responses and Objections to Subpoena (“Responses”). With respect to many categories, and in her general objections, she claims the documents sought are “fundamentally privileged communications between a non-party and her counsel.” *Id.* Responses 1-3. While she may assert that privilege under Fed.R.Civ.P. 45(E)(2)(A), she also is required to produce a log of all documents withheld based on any alleged privilege or protection:

(A) *Information Withheld*. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

An “unjustified failure to list privileged documents on the required log of withheld documents in a timely and proper manner operates as a waiver of any applicable privilege,” *OneBeacon Ins. Co. v. Forman Int’l Ltd.*, 04 CIV. 2271(RWS), 2006 WL 3771010, at \*7–8 (S.D.N.Y. Dec. 15, 2006). As this Court noted in *OneBeacon Ins. Co.*, the waiver of privilege is equally applicable where there is a failure to produce a privilege log under Rules 45 and 26. *Id.* (citing *In re Application for Subpoena to Kroll*, 224 F.R.D. 326, 328 (E.D.N.Y. 2004) (“Rule 45 requires that the party claiming a privilege prepare a privilege log.... Failure to submit a privilege log may be deemed a waiver of the underlying privilege claim.”)); *Labatt Ltd. v. Molson Breweries*, Nos. 93 CV 75004, 94 CV 71540(RPP), 1995 WL 23603 (S.D.N.Y. Jan. 20, 1995), *aff’d*, *Dorf & Stanton Commc’ns, Inc.*, 100 F.3d 919, 923 (Fed.Cir.1997) (upholding determination that privilege had been waived due to failure to satisfy Rules 45(d)(2) and

26(b)(5)); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 575-76 (1st Cir.2001) (stating that a “party that fails to submit a privilege log” pursuant to Fed. R. Civ. P. 45(d)(2) “is deemed to waive the underlying privilege claim”).

Of course, the need for a log to assess any alleged claims of privilege is particularly necessary in this case. It is entirely unclear when Ms. Ransome became represented, and by whom, and related to what matter(s). What is clear is that there is at least one, if not more, of her communications with the Boies Schiller firm when Plaintiff was an unrepresented non-party potential witness. Indeed, the Boies Schiller firm claims they *do not* represent her as a witness in this litigation. Thus, any communication between Boies Schiller and Ms. Ransome relating to her testimony *in this case* is not protected by any privilege and must be produced. Of course, without the required log it is impossible to determine how many improperly categorized “privileged” communications exist. Based on Ms. Ransome’s failure to provide a privilege log, any claim of privilege has been waived.

## **II. DOCUMENTS RELATED TO *JANE DOE 43 V. JEFFREY EPSTEIN, ET AL.*, 17-CV-00616-JGK (S.D.N.Y.) ARE HIGHLY RELEVANT TO MS. RANSOME’S TESTIMONY IN THIS ACTION**

In her Responses, Ms. Ransome argues primarily that the documents sought are not related to her witness testimony in this case. The objection reads:

Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *Jane Doe 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action.

*See* Menninger Decl. Ex. E, Responses 9-30.

This argument is perplexing. In Plaintiff’s Motion to Reopen Discovery, Plaintiff (through Ms. McCawley, who does not represent witness Ransome, but does represent Jane Doe

43 (i.e., Plaintiff Ransome)) claimed that Ms. Ransome's experience (*i.e.* the basis for her claims in *Jane Doe 43*) are "highly relevant" to this action. Presumably, Ms. Ransome's testimony in this case will be precisely what she alleged in the *Jane Doe 43* Complaint. Logic follows that either 1) the information relevant to that action is relevant to her testimony in this case, or 2) her testimony is entirely irrelevant to this single count defamation action. We would suggest that the latter is true, as is the case with all other alleged victim witnesses, none of whom know the Plaintiff in this case at all. The proper course of action, then, should be to exclude Ms. Ransome's testimony altogether because, in Ms. Ransome's counsel's own words, the information is not relevant to this single count defamation action.

If the Court determines that Ms. Ransome's testimony is at all relevant, then all of the information sought is relevant to her participation as a witness in this action. First and most fundamentally, the *Jane Doe 43* action seeks millions if not hundreds of millions worth of assets as "civil forfeiture." It appears (although Ms. Ransome refused to answer) that she is unemployed, with no source of income other than from her partner, and lives in a house or apartment rented by him in Spain. *See* Menninger Decl., Ex. A at 9:17-12:21. She came out of the woodwork to provide testimony after reading an article that extensively describes this lawsuit and Mr. Epstein's settlement of other lawsuits. She seeks to testify, by contrast to every other witness ever identified, that 1) Ms. Maxwell was actively involved as an assistant to Mr. Epstein in late 2006 to early 2007, and 2) that she was "lent out" to other people, including Alan "Dershavitz" (as she pronounces it). *See* Menninger Decl., Ex. F (Ransome Affidavit). These are two pieces of testimony that Plaintiff has desperately sought to corroborate with witnesses, and there is more than a mere possibility that these pieces of Ms. Ransome's testimony were suggested to her by Plaintiff's counsel/her counsel. In *Jane Doe 43*, Ms. Ransome, through



Plaintiff's counsel, seeks, among other things, civil forfeiture of two private jets, a mansion in New York, and a private island in the U.S. Virgin Islands. One can hardly imagine a better motive to fabricate testimony than that type of lottery win. To make it even better, there is no purchase price for the ticket, because the people who want the testimony are willing to front the cost of the litigation either on a contingency or pro-bono basis.

"Evidence tending to show a witness's bias or motive to fabricate testimony or evidence presented at trial is nearly always relevant." *In re WorldCom, Inc. Sec. Litig.*, No. 02 CIV 3288 DLC, 2005 WL 375315, at \*8 (S.D.N.Y. Feb. 17, 2005) (citing *United States v. Abel*, 469 U.S. 45, 52 (1985)); *Middleton v. Walker*, No. 09-CV-5548 JS, 2014 WL 2208177, at \*5 (E.D.N.Y. May 27, 2014) ("Nevertheless, 'extrinsic proof *tending to establish a reason to fabricate* is never collateral and may not be excluded on that ground.'") (quoting *People v. Hudy*, 73 N.Y.2d 40, 56 (1988)). Moreover, "'bias of a witness is not a collateral issue.'" *Id.* (quoting *United States v. James*, 609 F.2d 36, 46 (2d Cir.1979)) *see also see also Abel*, 469 U.S. at 52 (noting that under the common law, a showing of bias by extrinsic evidence was always permitted).

The discovery sought concerning Ms. Ransome's financial information, employment, the nature of her engagement with counsel (including the financial structure of those relationships) all goes to Ms. Ransome's motivation to provide the fabricated testimony she plans to give and bias in this matter. This includes the following document production requests:

1. All Documents containing Communications with Virginia Roberts Giuffre, or any of her attorneys, agents, investigators, from the period 1999-present.
2. All fee agreements for Your engagements with any attorneys for the purpose of pursuing any civil or criminal claims regarding Jeffrey Epstein, Ghislaine Maxwell, Natalya Malyshev, Sarah Kellen, and Nadia Marcincova.
29. A copy of Your most recent paycheck, paycheck stub, earnings statement and any bank statement, credit card statement and any Document reflecting any money owed by You to anyone.

The remaining document requests are specifically targeted to obtain impeachment evidence concerning Ms. Ransome's story, as told in the *Jane Doe 43* Complaint and her affidavit submitted in support of Plaintiff's Letter Motion to Re-open Discovery in this case. There is nothing harassing about these requests for production. They seek relevant information concerning Plaintiff's claims and allegations against Ghislaine Maxwell, Jeffrey Epstein, Natalya Malyshev, Sarah Kellen, and Nadia Marcincova, and documents that would show that the claims are not true, particularly as they relate to Ms. Maxwell:

3. All Documents that reference, relate to, or mention, whether by name or otherwise, the following individuals: Virginia Roberts, Ghislaine Maxwell, Jeffrey Epstein, Natalya Malyshev, Sarah Kellen, and Nadia Marcincova. (Complaint ¶¶33-58)
4. All Communications You have had in whatever form with any other female who you ever witnessed at or in a property, home, business, plane or automobile other vehicle owned or controlled by Jeffrey Epstein.
5. All Communications You have had with Natalya Malyshev, Virginia Roberts, Ghislaine Maxwell, Jeffrey Epstein, Sarah Kellen, or Nadia Marcincova.
6. Any photographs containing any image of Virginia Roberts, Ghislaine Maxwell, Jeffrey Epstein, Natalya Malyshev, Sarah Kellen, or Nadia Marcincova.
7. Any photographs taken by You, or containing any image of You, at, in or near any home, business, private vehicle (including airplane), or any other property owned or controlled by Jeffrey Epstein.
8. Any photographs that depict any home, business, private vehicle (including airplane), or any other property owned or controlled by Jeffrey Epstein.
9. All of Your passports, travel visas, or permissions to live, work or study in a foreign country, related to the years 2005-present.
10. All Communications regarding any of Your passports, visas, visa applications, or other permission to live, work or study in a foreign country, for the years 2005-present.
11. All Documents referencing any commercial plane tickets, boarding passes, or any other mode of travel during the time period 2006-2007.

12. Any credit card receipt, canceled check, or any other Document reflecting travel by You during the time period 2006-2007.

13. All phone records for any cellphone owned, used or possessed by You during the years 2006-2007.

14. All Documents reflecting or relating to any Communications between Jeffrey Epstein or Ghislaine Maxwell and either of Your parents, step-parents or other family members. (Complaint ¶ 53)

15. All Documents reflecting any money, payment, valuable consideration or other remuneration received by You from Jeffrey Epstein or any person known by You to be affiliated with Jeffrey Epstein.

16. All bank statements, credit card statements, money transfer records, or other statements from any financial institution in Your name, in whole or in part, for the years 2006-2007.

17. Any Documents concerning Your residency during the years 2006-2007, including leases, rental agreements, rent payments, deeds, or trusts.

19. Any Document reflecting any of Your post-secondary training or educational degree or course of study, to include transcripts, payments for tuition, courses taken, dates of attendance and grades received. (Complaint ¶ 37, 53-55; financial motivation based on lack of education or training to facilitate employment)

20. Any application for college, university, or any other post-secondary institution, or technical college, fashion college, modeling training or any similar institution, submitted by You or on Your behalf during the years 2005 – present. (Complaint ¶ 37, 53-55; financial motivation based on lack of education or training to facilitate employment))

21. All Documents reflecting any moneys received by You in exchange for any “modeling” by You. (Complaint ¶ 38)

22. All modeling contracts signed or entered into by You. (Complaint ¶ 38)

23. Any calendar, receipt, Communication or Document reflecting your whereabouts during the calendar years 2006-2007.

24. Any Documents reflecting Your medical, mental health or emergency care or other treatment for any eating disorder, malnourishment, kidney malfunction, emotional problems, psychological or psychiatric disorders, sexually transmitted diseases, and therapy records, and any prescriptions for any of the above categories. (Complaint ¶ 52, 64; motivation to fabricate)

25. Any Documents containing any Communications You have had with any law enforcement agency.

26. Any Documents that reflect any criminal charges, tickets, summonses, arrests, investigations concerning You or witnessed by You.
27. Any Documents containing any statement regarding Your experience or contact with Virginia Roberts, Ghislaine Maxwell, Jeffrey Epstein, Natalya Malyshev, Sarah Kellen, and Nadia Marcincova, including without limitation any Communication with anyone, any diary, journal, email, letter, witness statement, and summary.
28. Any civil complaint or civil demand filed by You or on Your behalf by which You have ever sought damages or compensation of any form or nature.
30. A copy of your Facebook, Instagram, Twitter, and any other social media application or program for the years 2006-2007 and from 2015 – present.

While Ms. Ransome has provided *some* documents responsive to Questions 2, 3, 5, 6, 7, and 8, as discussed below, the productions are incomplete and an unknown volume of documents have been withheld. Having purposefully interjected herself into this litigation, and initiating another litigation based on the same allegations about which she now plans on testifying in this case, Ms. Ransome must be compelled to produce each of these clearly relevant categories of documents.

### **III. MS. RANSOME UNJUSTIFIABLY REFUSED TO ANSWER RELEVANT DEPOSITION QUESTIONS, AND SHE MUST BE COMPELLED TO RE-APPEAR AND RESPOND**

The Motion for Protective Order relates primarily to certain deposition questions posed to Ms. Ransome which her counsel (and at times, Plaintiff's counsel) improperly instructed her not to answer. Each question relates to Ms. Ransome's claims, credibility, bias and motivation for fabrication of her testimony, requiring responses.

#### **Category 1 - Personal current financial information.**

Ms. Ransome refused to answer whether she has any source of income. She stated that her partner rents the home she lives in, implying he financially supports her, but would not state what he does. *See* Menninger Decl. Ex. A at 9:17-12:21. As such, her partner's income (or relative lack thereof) and Ms. Ransome's financial position or ability to earn a living relate

directly to her motivation to fabricate testimony to seek (a substantial amount of) money in in the Jane Doe 43 litigation. Any concerns about disclosure of this information can be alleviated by production under the protective order.

**Category 2 - The cell phone number of her partner.**

Ms. Ransome testified that she first called the Boies Schiller firm on her partner's phone, and that the majority of her other conversations with counsel were on that same phone. *See* Menninger Decl. Ex. A at 24:25-28:5. Given the belated disclosure of this witness, and that the first contact happened sometime before November 7, 2016, the date of initial contact and number of contacts in between are highly relevant to the issue of late disclosure. Thus, subpoenas for these records may be required. Any concerns about providing this information can be alleviated by production under the protective order.

**Category 3 – Allegedly privileged communications with Alan Dershowitz**

Ms. Ransome refused to answer questions concerning her alleged conversations with Mr. Dershowitz sometime in late 2006 or early 2007, claiming they were related to a legal matter and that she believed Mr. Dershowitz was her attorney. *See* Menninger Decl. Ex. A at 172:18-173:12; 180:20-185:23; 199:3-23. Ms. Ransome confirmed in her deposition that Mr. Epstein was present during all conversations she claims to have had with Mr. Dershowitz. She further confirms that Mr. Epstein was there to “support” her and “look after” her regarding some unspecified legal matter, but he was not a party or interested in the dispute. *See* Menninger Decl., Ex. A at 199:3-23. It is axiomatic that any conversations between Ms. Ransome and Mr. Dershowitz in the presence of Jeffrey Epstein, a third party, are not protected by privilege. *Safeco Ins. Co. of Am. v. M.E.S., Inc.*, 289 F.R.D. 41, 46 (E.D.N.Y. 2011) (“Generally, communications made between a defendant and counsel in the known presence of a third party are not privileged.”). Ms. Ransome must be compelled to respond to these questions.

**Category 4 – Ms. Ransome’s current medical provider**

Ms. Maxwell will withdraw this question.

**The Witness’s Abandoned Objections**

Notably absent from the Motion for Protective Order are several other questions posed to Ms. Ransome that she was instructed not to answer without any claim of privilege or protection. Ms. Ransome should also be required to answer these questions, in particular since she has not sought a protective order on these lines of questioning, nor could she.

1. Her partner’s occupation (motivation for fabrication)
2. Her parents’ addresses (she claims that they spoke with Ms. Maxwell and Mr. Epstein and have knowledge of her “coming forward”)
3. Where she was staying while in NY (paid for by Plaintiff’s Counsel, motive for fabrication and bias)
4. Whether Alan Dershowitz contacted anyone on her behalf (communications with others by counsel not privileged)
5. Her stepmother’s phone number and email address and physical address (she claims that they spoke with Ms. Maxwell and Mr. Epstein)
6. When she provided her photos to her lawyer (*date* of communication and production to attorney not privileged)

There simply was no basis for instructing the witness not to answer these questions, all of which are relevant and none of which are privileged. Ms. Ransome should be compelled to re-appear to answer all questions previously posed to her where she was instructed to answer, excepting the name of her current doctor who prescribed her SSRI medication.

**IV. MS. RANSOME MUST BE REQUIRED TO PRODUCE REponsive DOCUMENTS THAT HAVE BEEN WITHELD WITHOUT BASIS, AND IDENTIFY ANY OTHER DOCUMENTS WITHELD**

In addition to being required to re-appear and respond to non-privileged questions, it became clear at Ms. Ransome’s deposition that her counsel has withheld from production a number of relevant and responsive documents.

The first and most obvious category of withheld documents are email communications between Ms. Ransome and her acquaintances while associated with Mr. Epstein (including the

people she has sued). Counsel for Ms. Ransome only produced selective portions of email chains. By way of example, Menninger Decl. Exhibit G shows an email chain containing six communications she had with Natalia Malyshev, an alleged co-conspirator, yet only two of those emails were produced. The emails produced are in “screenshot” format rather than providing a complete production of the emails with metadata. Menninger Decl. Exhibit H shows 14 separate communications with Leslie Goff, an alleged co-conspirator, yet only four (4) emails were produced. Again, they were produced in “screenshot” format rather than providing a complete production of the emails with metadata. The same incomplete productions occur with respect to Sarah Kellen (an alleged co-conspirator) and Pumla Griszell (a woman Ms. Ransome allegedly met though Mr. Epstein and to whom she claims to have reported problems with Epstein). Ms. Ransome must be compelled to produce these documents which likely contain impeachment information, as well as any other documents that are being withheld regarding communications between her and any person whom she claims to have met through Mr. Epstein, or relating to or referencing any of the Defendants in the Jane Doe 43 Complaint.

Ms. Ransome also admitted to possessing multiple email communications with the reporter Maureen Callahan, her first contact in attempting to “come forward” with her story. These emails, including a picture she claims to have sent Ms. Callahan, are obviously responsive to RFP 3 for “All Documents that reference, relate to, or mention, whether by name or otherwise, the following individuals: Virginia Roberts, Ghislaine Maxwell, Jeffrey Epstein, Natalya Malyshev, Sarah Kellen, and Nadia Marcincova.” There is no basis for withholding these documents, and they must be produced.

Ms. Ransome also failed to provide a complete copy of her application to the Fashion Institute of Technology (“F.I.T.”), despite the fact that her claims center around an alleged



promise by Mr. Epstein to help her get into F.I.T. – *i.e.* the alleged benefit she was promised. The few documents produced suggest that the denial of admission to F.I.T. (if that is what occurred) is more likely a result of lack of required credentials or her failure to timely complete the application process. Either way, the complete application must be produced.

Ms. Ransome also testified that some of the photographs she produced were not taken by her, but were given to her on a disk by Jean Luc Brunel. *See* Menninger Decl. Ex. A at 336:6-18. She could not however, identify which picture she claims to have taken, and which were included on this disk. *Id.* 340:19-341:5. The subpoena to Ms. Ransome requested the native format copies of all pictures (many of which are digital) so that the metadata, including the dates the photographs were taken, can be discerned. *See* Menninger Decl. Ex. I, Instruction 7 (“Responsive electronically stored information (ESI) shall be produced in its native form; that is, in the form in which the information was customarily created, used and stored by the native application employed by the producing party in the ordinary course of business.”). Fed. R. Civ. P. 45(e)(1) requires production of documents in their native form, as specified, including all metadata. This includes a copy of the physical disk containing the photograph allegedly given to Ms. Ransome by Mr. Brunel, and the fronts and backs of any physical pictures.

### CONCLUSION

As the adage goes, be careful what you ask for. Plaintiff, Ms. Ransome and their shared counsel asked to reopen discovery relating to Ms. Ransome. They promised to make her and any information that she may have immediately available. They must now do what they promised.

WHEREFORE, Defendant requests the entry of an Order:

1. Compelling production of all documents responsive to the subpoena, including communications with counsel because privilege has been waived. These include specifically, but are not limited to:

- a. Her current passport, and all missing pages excluded from the passport produced
  - b. Her emails with Maureen Callahan, including ones wherein she sent photograph of her and her boyfriend referenced in her deposition
  - c. Her FIT application
  - d. The disc of photos provided to her by Jean Luc Brunel – containing the metadata
  - e. All photographs either previously produced or withheld, with metadata or, if in hard copy, including the front and back of the photo
  - f. All emails from [REDACTED] by, between, or referencing any Defendant in Jane Doe 43, or communicating with any person Ms. Ransome knew through Jeffrey Epstein, or that related to her claims in this case and the *Jane Doe 43* complaint.
2. Requiring Ms. Ransome to re-appear for deposition and respond to all questions as to which she was instructed not to answer in her first deposition, excluding the name of her current prescribing doctor; and
3. Denying the Motion for Protective Order

Dated: March 2, 2017

Respectfully submitted,

*/s/ Laura A. Menninger*

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Laura A. Menninger (LM-1374)

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**CERTIFICATE OF SERVICE**

I certify that on March 2, 2017, I electronically served this *Defendant's Motion to Compel Non-Party Witness to Produce Documents, Respond to Deposition Questions, and Response to Motion for Protective Order* via ECF on the following:

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/s/ Nicole Simmons  
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# **EXHIBIT E**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_ /

**NON-PARTY SARAH RANSOME’S RESPONSES AND OBJECTIONS  
TO DEFENDANT’S SUBPOENA REQUESTS**

Sarah Ransome, a non-party to this action, hereby responds to the Subpoena *Duces Tecum* noticed by Defendant Maxwell, and submits these responses and objections (“Responses”) to the document requests contained therein.

**PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

Defendant, Maxwell has served non-party Sarah Ransome with a subpoena *duces tecum* seeking an array of documents that are both irrelevant to this matter and entirely privileged. Defendant’s subpoena is solely meant to harass and place an undue burden on Ms. Ransome.

To be discoverable, information sought must be relevant to the underlying action. Fed. R. Civ. P. 26(b)(1). Where discovery is sought from third parties, the Court must weigh the probative value of the information against the burden of production on said non-party. *In re Biovail Corp. Sec. Litig.*, 247 F.R.D. 72, 74 (S.D.N.Y. 2007) (citing *Concord Boat Corp. v. Brunswick Corp.*, 169 F.R.D. 44, 48-49 (S.D.N.Y.1996)); Fed.R.Civ.P. 45(c)(2)(B). In order to determine whether a subpoena imposes an undue burden, the Court should consider: 1) relevance, 2) the need of the party for the documents, 3) the breadth of the document request, 4) the time period covered by it, 5) the particularity with which the documents are described, and 6) the burden imposed. *Id.*

Specifically, the subpoena served on Ms. Ransome seeks documents that are wholly irrelevant to the underlying action including protected financial information and documents or communications between Sarah Ransome and her attorneys, which are protected by the attorney-client privilege and the work product doctrine. Notably, the face of the subpoena demonstrates that Defendant is not even seeking documents relevant to the matter before this Court, and is instead attempting to obtain backdoor discovery for other actions.

Ms. Ransome's responses are subject to the following qualifications, explanations, and objections, which apply to each and every request, and are incorporated in full by this reference into each and every response below as if fully set forth therein:

1. Ransome objects to Defendant's vastly overbroad non-party subpoena as it places an undue burden on her to have to search for the broad scope of materials requested, most of which seeks information that is irrelevant to the Defamation Action and clearly intended solely to harass, embarrass, intimidate, and oppress this non-party by seeking highly personal and sensitive information.

2. Ransome objects to Defendant's clear abuse of the subpoena power of this Court as she issued subpoena requests that are intended to obtain discovery for the development of another action relating to this non-party, and are clearly unrelated to this case.

3. Ransome responds to the requests as she reasonably interprets and understands the requests. Should Defendant subsequently assert an interpretation of any individual request that differs from her understanding, she reserves the right to supplement the responses.

4. To the extent a request seeks documents protected from discovery by the attorney-client privilege, or any other privilege or protection, no such documents shall be produced even if



no specific objection is asserted in response to each individual request. Inadvertent identification or production of privileged documents or information is not a waiver of any applicable privilege.

5. Ransome objects to the Definitions and Instructions and to each Request to the extent they seek to alter or expand upon the obligations imposed by the Federal Rules of Civil Procedure.

6. Ransome objects to the Definitions and Instructions and to each Request to the extent that it calls for the production of documents that are not in her custody, possession, or control.

7. A statement in response to a specific request that Ransome will produce documents is not a statement that any such documents exist but, rather, means only that such documents that do exist and are responsive to a specific Request will be produced.

8. To the extent that Ransome produces documents in response to specific requests to which she has objected, Ransome reserves the right to maintain such objections with respect to any additional information, and such objections are not waived by the production of responsive documents.

9. Ransome objects to the requests to the extent they seek private and confidential financial information or other confidential information of any kind.

10. Ransome objects to the requests to the extent they seek personal and confidential financial information related to third-parties.

11. Ransome objects to the requests to the extent that they seek documents already in Defendant's possession or to the extent they are publicly available.

12. Ransome objects to the requests as overbroad where a time limit has not been specified. To the extent the Court directs discovery from this non-party, it should be limited to the date of the filing of this action to the present.

13. Ransome objects to the Requests as they seek to place an undue burden on Ransome, who is a non-party to the pending litigation.

### **RESPONSES AND OBJECTIONS**

1. All Documents containing Communications with Virginia Roberts Giuffre, or any of her attorneys, agents, investigators, from the period 1999-present.

#### **RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks fundamentally privileged communications between a non-party and her counsel. Specifically, Ransome objects to this request on the grounds of privilege, the work product doctrine, the common interest privilege, or any other privilege or protection.

Ransome further objects to this Request in that it is vague and ambiguous with respect to its reference to “all documents” containing communications. Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request to the extent it seeks confidential financial information from a non-party. Ransome objects to this Request in that it places an undue burden on this non-party including, for example, requiring the non-party to search for "documents," which has been very broadly defined, for a period of time lasting more than seventeen years.

Without waiving such objections, Ransome is not in possession of any non-privileged documents responsive to this request.

2. All fee agreements for Your engagements with any attorneys for the purpose of pursuing any civil or criminal claims regarding Jeffrey Epstein, Ghislaine Maxwell, Natalya Malyshev, Sarah Kellen, and Nadia Marcincova.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks fundamentally privileged communications between a non-party and her counsel. Specifically, Ransome objects to this request on the grounds of privilege, the work product doctrine, the common interest privilege, or any other privilege or protection. Ransome further objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request to the extent it seeks confidential financial information from a non-party.

Without waiving such objections, a copy of non-party Sarah Ransome's retainer agreement is attached hereto as RANSOME\_000016, which should be treated as Confidential pursuant to the parties' Protective Order. Ms. Ransome reserves the right to supplement this response should additional responsive documentation become available.

3. All Documents that reference, relate to, or mention, whether by name or otherwise, the following individuals: Virginia Roberts, Ghislaine Maxwell, Jeffrey Epstein, Natalya Malyshev, Sarah Kellen, and Nadia Marcincova.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks fundamentally privileged communications between a non-party and her counsel. Specifically, Ransome objects to this request on the grounds of privilege, the work product doctrine, the common interest privilege, or any other privilege or protection. Ransome further objects to this Request in that it is vague and ambiguous with respect to its reference to "all documents."

Ransome further objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request to the extent it seeks confidential financial information from a non-party. Ransome objects to this Request in that it places an undue burden on this non-party including, for example, requiring the non-party to search for all "documents," which has been broadly defined.

Without waiving such objections, all responsive documents in non-party Sarah Ransome's possession are attached hereto as RANSOME\_000001-000016, which should be treated as Confidential pursuant to the parties' Protective Order.

4. All Communications You have had in whatever form with any other female who you ever witnessed at or in a property, home, business, plane or automobile other vehicle owned or controlled by Jeffrey Epstein.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks an unlimited number of communications between a non-party and an unlimited number of unidentified individuals. Defendant has made no effort to specifically identify a single individual, and instead casts an incredibly unreasonable net to include "any other female." Ransome objects to this Request in that it places an undue burden on this non-party including, for example, requiring the non-party to search for "documents," which has been broadly defined, for an unspecified period of time. This request is entirely unreasonable, and the very definition of overly broad. Ransome further objects to this Request in that it is vague and ambiguous, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action.

5. All Communications You have had with Natalya Malyshov, Virginia Roberts, Ghislaine Maxwell, Jeffrey Epstein, Sarah Kellen, or Nadia Marcincova.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks an unlimited number of unspecified communications. Specifically, Ransome objects to this request on the grounds of privilege, the work product doctrine, the common interest privilege, or any other privilege or protection. Ransome further objects to this request in that it is vague and ambiguous with respect to its reference to "all communications." Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it places an undue burden on this non-party including, for example, requiring the non-party to search for "communications," which has been broadly defined for an unlimited period of time.

Without waiving such objections, all responsive documents in non-party Sarah Ransome's possession are attached hereto as RANSOME\_000001-000016, which should be treated as Confidential pursuant to the parties' Protective Order.

6. Any photographs containing any image of Virginia Roberts, Ghislaine Maxwell, Jeffrey Epstein, Natalya Malyshev, Sarah Kellen, or Nadia Marcincova.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks an unlimited number of unspecified photographs. Ransome further objects to this request in that it is vague and ambiguous with respect to its reference to all photographs. Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it places an undue burden on this non-party including, for example, requiring the non-party to search for photographs for an unlimited period of time.

Without waiving such objections, all responsive photographs in non-party Sarah Ransome's possession are attached hereto as RANSOME\_000024-000028, 000069, 000121-000123, 000126-000135, 000138-000143, 000145-000155, which should be treated as Confidential pursuant to the parties' Protective Order.

7. Any photographs taken by You, or containing any image of You, at, in or near any home, business, private vehicle (including airplane), or any other property owned or controlled by Jeffrey Epstein.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks an unlimited number of unspecified photographs. Ransome further objects to this request in that it is vague and ambiguous with respect to its reference to "any photographs." Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it places an undue burden on this non-party including, for example, requiring the non-party to search for photographs for an unlimited period of time.

Without waiving such objections, all responsive photographs in non-party Sarah Ransome's possession are attached hereto as RANSOME\_000022, 42-47, 52, 56-59, 71, 127-131, 152, 153, which should be treated as Confidential pursuant to the parties' Protective Order.

8. Any photographs that depict any home, business, private vehicle (including airplane), or any other property owned or controlled by Jeffrey Epstein.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks an unlimited number of unspecified photographs. Ransome further objects to this request in that it is vague and ambiguous with respect to its reference to "any photographs." Ransome objects to this Request as overbroad, harassing,

and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it places an undue burden on this non-party including, for example, requiring the non-party to search for photographs for an unlimited period of time.

Without waiving such objections, all responsive photographs in non-party Sarah Ransome's possession are attached hereto as RANSOME\_00017-000156, which should be treated as Confidential pursuant to the parties' Protective Order.

9. All of Your passports, travel visas, or permissions to live, work or study in a foreign country, related to the years 2005-present.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff, and Natalya Malyshev* Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.



Without waiving such objections, a copy of non-party Sarah Ransome's current passport is attached hereto as RANSOME\_000157-000168, which should be treated as Confidential pursuant to the parties' Protective Order.

10. All Communications regarding any of Your passports, visas, visa applications, or other permission to live, work or study in a foreign country, for the years 2005-present.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this requests seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

11. All Documents referencing any commercial plane tickets, boarding passes, or any other mode of travel during the time period 2006-2007.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this requests seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying

action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

Without waiving such objections, all responsive documents in non-party Sarah Ransome's possession are attached hereto as RANSOME\_000001-000004, 000008, 000011, 000012, which should be treated as Confidential pursuant to the parties' Protective Order.

12. Any credit card receipt, canceled check, or any other Document reflecting travel by You during the time period 2006-2007.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this requests seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine*

*Maxwell, Sarah Kellen, Lesley Groff, and Natalya Malyshev* Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome further objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

Ransome objects to Defendant's attempt to abuse subpoena power to seek private and confidential financial information or other confidential information of any kind from this non-party. Ransome further objects on the basis that the confidential and private financial records sought by Defendant relating to this non-party have no relevance to proving the allegations in the complaint, and are not discoverable. *DeLeonardis v. Hara*, 25 N.Y.S.3d 185, 185 (N.Y. App. Div. 2016).

13. All phone records for any cellphone owned, used or possessed by You during the years 2006-2007.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this requests seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff, and Natalya Malyshev* Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead

to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

Without waiving such objections, Ransome is not in possession of documents responsive to this request.

14. All Documents reflecting or relating to any Communications between Jeffrey Epstein or Ghislaine Maxwell and either of Your parents, step-parents or other family members.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff, and Natalya Malyshev* Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

Without waiving such objections, Ransome is not in possession of any documents responsive to this request.

15. All Documents reflecting any money, payment, valuable consideration or other remuneration received by You from Jeffrey Epstein or any person known by You to be affiliated with Jeffrey Epstein.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this requests seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

Ransome objects to Defendant's attempt to abuse subpoena power to seek private and confidential financial information or other confidential information of any kind from this non-party. Ransome further objects on the basis that the confidential and private financial records sought by Defendant relating to this non-party have no relevance to proving the allegations in the complaint, and are not discoverable. *DeLeonardis v. Hara*, 25 N.Y.S.3d 185, 185 (N.Y. App. Div. 2016).

16. All bank statements, credit card statements, money transfer records, or other statements from any financial institution in Your name, in whole or in part, for the years 2006-2007.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff, and Natalya Malyshev* Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

Ransome objects to Defendant's attempt to abuse subpoena power to seek private and confidential financial information or other confidential information of any kind from this non-party. Ransome further objects on the basis that the confidential and private financial records sought by Defendant relating to this non-party have no relevance to proving the allegations in the complaint, and are not discoverable. *DeLeonardis v. Hara*, 25 N.Y.S.3d 185, 185 (N.Y. App. Div. 2016).

17. Any Documents concerning Your residency during the years 2006-2007, including leases, rental agreements, rent payments, deeds, or trusts.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this requests seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

18. A copy of Your current driver's license.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this requests seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK



(S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

Without waiving such objections, Sarah Ransome's driver's license will be produced at her deposition in this matter.

19. Any Document reflecting any of Your post-secondary training or educational degree or course of study, to include transcripts, payments for tuition, courses taken, dates of attendance and grades received.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this requests seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose

20. Any application for college, university, or any other post-secondary institution, or technical college, fashion college, modeling training or any similar institution, submitted by You or on Your behalf during the years 2005 – present.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

21. All Documents reflecting any moneys received by You in exchange for any “modeling” by You.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead

allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

Ransome objects to Defendant's attempt to abuse subpoena power to seek private and confidential financial information or other confidential information of any kind from this non-party. Ransome further objects on the basis that the confidential and private financial records sought by Defendant relating to this non-party have no relevance to proving the allegations in the complaint, and are not discoverable. *DeLeonardis v. Hara*, 25 N.Y.S.3d 185, 185 (N.Y. App. Div. 2016).

22. All modeling contracts signed or entered into by You.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead

to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

Ransome objects to Defendant's attempt to abuse subpoena power to seek private and confidential financial information or other confidential information of any kind from this non-party. Ransome further objects on the basis that the confidential and private financial records sought by Defendant relating to this non-party have no relevance to proving the allegations in the complaint, and are not discoverable. *DeLeonardis v. Hara*, 25 N.Y.S.3d 185, 185 (N.Y. App. Div. 2016).

23. Any calendar, receipt, Communication or Document reflecting your whereabouts during the calendar years 2006-2007.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this requests seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in

that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

Without waiving such objections, all responsive electronic communications in non-party Sarah Ransome's possession are attached hereto as RANSOME\_000001-000015, which should be treated as Confidential pursuant to the parties' Protective Order.

24. Any Documents reflecting Your medical, mental health or emergency care or other treatment for any eating disorder, malnourishment, kidney malfunction, emotional problems, psychological or psychiatric disorders, sexually transmitted diseases, and therapy records, and any prescriptions for any of the above categories.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

25. Any Documents containing any Communications You have had with any law enforcement agency.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this requests seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

26. Any Documents that reflect any criminal charges, tickets, summonses, arrests, investigations concerning You or witnessed by You.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this requests seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine*

*Maxwell, Sarah Kellen, Lesley Groff, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.).* Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

27. Any Documents containing any statement regarding Your experience or contact with Virginia Roberts, Ghislaine Maxwell, Jeffrey Epstein, Natalya Malyshev, Sarah Kellen, and Nadia Marcincova, including without limitation any Communication with anyone, any diary, journal, email, letter, witness statement, and summary.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this requests seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.).* Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.



Without waiving such objections, all responsive electronic communications in non-party Sarah Ransome's possession are attached hereto as RANSOME\_000001-000015, which should be treated as Confidential pursuant to the parties' Protective Order.

28. Any civil complaint or civil demand filed by You or on Your behalf by which You have ever sought damages or compensation of any form or nature.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.).

Defendant is currently in possession of the aforementioned pleading. Therefore, Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

29. A copy of Your most recent paycheck, paycheck stub, earnings statement and any bank statement, credit card statement and any Document reflecting any money owed by You to anyone.

**RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks information that is clearly not relevant to the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

Ransome objects to Defendant's attempt to abuse subpoena power to seek private and confidential financial information or other confidential information of any kind from this non-party. Ransome further objects on the basis that the confidential and private financial records sought by Defendant relating to this non-party have no relevance to proving the allegations in the complaint, and are not discoverable. *DeLeonardis v. Hara*, 25 N.Y.S.3d 185, 185 (N.Y. App. Div. 2016).

30. A copy of your Facebook, Instagram, Twitter, and any other social media application or program for the years 2006-2007 and from 2015 – present.

### **RESPONSE:**

In addition to the Preliminary Statement and General Objections, Ransome objects to this request in that she is a non-party and this request seeks information that is clearly not relevant to

the underlying action. Ransome objects to Defendant being permitted to utilize the underlying action to obtain backdoor discovery into a separate action entirely unrelated to whether or not Maxwell defamed Virginia Roberts Giuffre. Ransome further objects to this request in that the face of the request demonstrates that the Defendant is abusing the subpoena power by serving a subpoena on a non-party that seeks discovery unrelated to the underlying matter, but instead allegedly relevant to another Federal Action styled *JANE DOE 43 v. Jeffrey Epstein, Ghislaine Maxwell, Sarah Kellen, Lesley Groff*, and Natalya Malyshev Case Number 1:17-cv-00616-JGK (S.D.N.Y.). Ransome objects to this Request as overbroad, harassing, and not calculated to lead to discoverable evidence relevant to the Defamation Action. Ransome objects to this Request in that it represents a complete invasion of privacy. A non-party should not be subjected to undue harassment serving no admissible purpose.

Dated: February 13, 2017

Respectfully Submitted,

By: /s/ J. Stanley Pottinger

J. Stanley Pottinger  
49 Twin Lakes Road  
South Salem, New York 10590-1012  
914-763-8333

**CERTIFICATE OF SERVICE**

I certify that on February 13, 2017, I electronically served this Objection to Subpoena via Email on the following.

Laura A. Menninger  
Jeffrey S. Pagliuca  
Haddon, Morgan and Foreman, P.C.  
150 East 10<sup>th</sup> Avenue  
Denver, CO 80203  
[lmenninger@hmflaw.com](mailto:lmenninger@hmflaw.com)

By: /s/ J. Stanley Pottinger

# **EXHIBIT F**

**CONFIDENTIAL**

United States District Court  
Southern District of New York

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

AFFIDAVIT

I, Sarah Ransome, swear and affirm as follows:

1. I am currently over the age of 18 and presently reside in the country of Spain.
2. In the summer of 2006, when I was twenty-two years old and living in New York, I was introduced to Jeffrey Epstein by a girl I had met named Natalya. Malyshev. Shortly after meeting Jeffrey he invited me to fly to his private island in the US Virgin Islands, which I did. After that first trip I traveled to the island several more times, usually on one of Jeffrey's private airplanes, and always at his direction. I am told that my name appears on the flight logs of one or more of those trips. On a few occasions, Jeffrey also arranged to have me flown to the island on commercial flights. As it turned out, the primary purpose of those visits was to have me have sexual relations with Jeffrey, Nadia Macinkova, and various other girls and guests he brought to the island.
3. During one of my visits to the island I met Ghislaine Maxwell. Watching her interact with the other girls on the island, it became clear to me that she recruited all or many of them to the island. Once they were there, she appeared to be in charge of their activities, including what they did, who they did it with, and how they were supposed to stay in line. She assumed the same supervisory role with me as soon as I arrived. Some of the girls appeared to be 18 or older, but many appeared to be young teenagers. I recall seeing a particularly young, thin girl who looked well under 18 and recall asking her her age. I later learned was a ballerina. She refused to tell me or let me see her passport.
4. In addition to spending time with Jeffrey on his island, I spent time with him in New York City. At his town house I was also lent out by him to his friends and

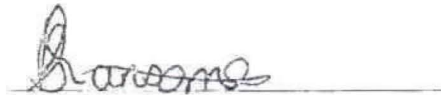


**CONFIDENTIAL**

associates to have sex. Among the people he lent me to was his friend, Alan Dershowitz. On one occasion I was in a bedroom at Jeffrey's New York townhouse with Jeffrey and Nadia Marcinkova. After a short time, Alan Dershowitz entered the room, after which Jeffrey left the room and Nadia and I had sex with Dershowitz. I recall specific, key details of his person and the sex acts and can describe them in the event it becomes necessary to do so.

I affirm under penalty of perjury that the foregoing is true and correct.

Dated: 05-01-2017

A handwritten signature in dark ink, appearing to read "Ransome", is written over a horizontal line.

Sarah Ransome

CONFIDENTIAL

**CERTIFICATE OF ACKNOWLEDGMENT OF  
EXECUTION OF AN INSTRUMENT**

The Kingdom of Spain  
(Country)

Province of Barcelona  
(County and/or Other Political Division)

City of Barcelona  
(County and/or Other Political Division)

} SS:

Consulate Gral. of the United States of America  
(Name of Foreign Service Office)

I,

Hsiao-Ching Chang, Vice Consul

of the United States of America at

Barcelona, Spain

duly commissioned and qualified, do hereby certify that on this day of

01-05-2017

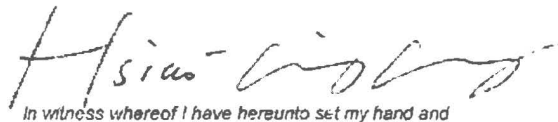
, before me personally appeared

Date (mm-dd-yyyy)

Sarah Emma Ashley RANSOME-----

~~to me personally known, and~~ known to me to be the individual described in, whose name is subscribed to,  
and who executed the annexed instrument, and being informed by me of the contents of said instrument she  
duly acknowledged to me that she executed the same freely and voluntarily for the uses and purposes  
therein mentioned.

[SEAL]

  
In witness whereof I have hereunto set my hand and

official seal the day and year last above written.

Hsiao-Ching Chang

Vice Consul of the United States of America

This document consists of 4 pages, including the Acknowledgement certificate.

NOTE: Wherever practicable all signatures to a document should be included in one certificate.



# **EXHIBIT G**

YAHOO!  
MAIL

All

Sarah Ransome

CONFIDENTIAL

Search Mail

Search web

Home

Sarah



Compose

Add Gmail, Outlook,  
AOL and more

Inbox (9999+)

Drafts (7)

Sent

Archive

Spam (115)

Trash

Smart views

Important

Unread

Starred

People

Social

Shopping

Travel

Finance

Pumla Griszell

Important

Unread

Starred

People

Social

Shopping

Travel

Finance

Pumla Griszell

> Folders

> Recent

Fw: Natalie from ny (6)

To

03/02/07 at 1:04 AM

-----Original Message-----

To:

Sent: Feb 2, 2007 7:01 PM

Subject: Fw: Natalie from ny

-----Original Message-----

To: Sara new num

Sent: Feb 2, 2007 6:58 PM

Subject: Natalie from ny

Hey Sarra

Miss u Wanted to see how things r going w u. Hope u r having a good time in UK...Wanted to contact u for a while but didn't have ur email

I am good Pretty busy but productive

Write back let me know what ur up to... When r u gonna b ready for south africa trip and then miami hopefully U lucky girl :) ... Anyways don't disappear Write back Let me know what ur up to

Hugs and Kisses

Natalie

Sent via BlackBerry from Cingular Wireless

Reply Reply to All Forward More

Sarah Ransome

04/02/07 at 4:01 PM

Sarah Ransome

05/02/07 at 10:09 PM

06/02/07 at 2:00 AM

Sarah Ransome

08/02/07 at 9:12 PM

09/02/07 at 9:22 PM

To: Sara new num

Hey Sweetie

Glad to hear ur doing the essay for fit When r u planning to come to ny? Did u need my adress to mail something to me? Don't worry about fight w J

Hugs and kisses Natalie

Sent via BlackBerry from Cingular Wireless

-----Original Message-----

From: Sarah Ransome

Date: Thu, 8 Feb 2007 12:12:30

To:

Subject: Re: Re: Fw: Natalie from ny

Hey sweetie

How are you?I am busy writing my essay for FIT. What fun!Had a bit of a fight with Jeffrey. Oh well what can you do?I ment to ask you in my last email, can you please email me your address? Looks like I am not going to Miami either. Well at least I will be back in NY. Hope you are well and look forward to seeing you soon. Please tell Jenifer I say hi.

Lots of hugs and kisses

Sarah xxx



Need Mail bonding?

RANSOME\_000004

YAHOO!  
MAIL

All

Sarah, [REDACTED]

Search Mail

Search web

Home

Sarah



CONFIDENTIAL

Compose

Add Gmail, Outlook,  
AOL and more

Inbox (9999+)

Drafts (7)

Sent

Archive

Spam (115)

Trash

Smart views

Important

Unread

Starred

People

Social

Shopping

Travel

Finance

Pumla Griszell

Important

Unread

Starred

People

Social

Shopping

Travel

Finance

Pumla Griszell

Folders

Recent

Fw: Natalie from ny (6)

03/02/07 at 1:04 AM

To: [REDACTED]

-----Original Message-----

To: [REDACTED]

Sent: Feb 2, 2007 7:01 PM

Subject: Fw: Natalie from ny

-----Original Message-----

To: Sara new num

Sent: Feb 2, 2007 6:58 PM

Subject: Natalie from ny

Hey Sarra

Miss u Wanted to see how things r going w u. Hope u r having a good time in UK ...Wanted to contact u for a while but didn't have ur email

I am good Pretty busy but productive

Write back let me know what ur up to... When r u gonna b ready for south africa trip and then miami hopefully U lucky girl :) ... Anyways don't disappear Write back Let me know what ur up to

Hugs and Kisses

Natalie

Sent via BlackBerry from Cingular Wireless

Reply Reply to All Forward More

Sarah Ransome &lt;[REDACTED]&gt;

04/02/07 at 4:01 PM

To: [REDACTED]

dfdgdred

Finding fabulous fares is fun.

[Let Yahoo! FareChase search your favorite travel sites](#) to find flight and hotel bargains.

Reply Reply to All Forward More

Sarah Ransome &lt;[REDACTED]&gt;

05/02/07 at 1:08 PM

To: [REDACTED]

Hey Natalie

It was Great to here from you.I replied yesterday but the whole email got deleted somehow when I pressed send. I was super irritated. Everything is going well here. In south Africa and I have to say it is wonderful being with my family. I will take lots and lots of photos to show you where I come from.

Still determined about going to Miami and then studying in NY. I will be leaving here on the 27th and then meeting up with Jeffrey where ever he may be... Well that is the plan as far as I know. I do however need to phone him this week. I am getting a bit nervous about evetthing now.diet is still going well. I am 57 kg now, I however dont want to loose anymore. Hav you started gym yet. You will definitely have a partner when I get back. Speaking of which have you found a super nice man yet? My beautiful friend you deserve the best. So what else is happening? Are you still doing your intemship and how is that going? Anyway I better go.

Babes I really miss you and I am so happy that you emailed me. Hope to hear from you soon.

Lots of hugs and kisses

RANSOME\_000005

# **EXHIBIT H**



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People

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Shopping

Travel

Finance

Pumla Griszell

Folders

Recent

Re: FIT website (14)

Sarah Ransome <[REDACTED]> 06/02/07 at 9:34 PM

To Lesley Groff

Hi Lesley

The good news is that I got your email. I am not sure what happened the first time but I think I must have deleted it by mistake as it went to bulk for some reason. I am however having a little bit of hassle. Due to me applying so late I am unable to send my application on line due to technicalities which is very frustrating considering the whole thing has been pulled out and is waiting to be submitted. Please can you ask Jeffery what the plan of action is as I cant apply on line and need to apply asap otherwise I definitely wont be able to study. Please could you also let him know that I am now 57kg and that everything is going well in Cape Town. My South African number is [REDACTED] so if you could get back to me tomorrow that would be great. Also please send my regards to everyone and give Jeffery my SA number. I hope you are well and will send you some warmth from my side of the world.

Sarah;

It's here! Your new message!  
Get [new email alerts](#) with the free [Yahoo! Toolbar](#).

Reply Reply to All Forward More

Sarah Ransome <[REDACTED]> 08/02/07 at 2:43 PM

To Lesley Groff

Hi Lesley

I will fax my application to you later on today as I am not able to email it. Could you also please tell Jeffery to phone me on the number I gave asap as I am not prepared to go under 56kg in order to study at FIT. I also need a flight booked back to New York so could you please check with Jeffery. The date that I would like to fly back is the 27th Feb.

Thanks very much

Sarah

Be a PS3 game guru.  
Get your game face on with the latest PS3 news and previews at [Yahoo! Games](#).

Reply Reply to All Forward More

Sarah Ransome <[REDACTED]> 08/02/07 at 3:00 PM

To Lesley Groff

Hi can you please phone back

No need to miss a message. [Get email on-the-go](#) with Yahoo! Mail for Mobile. [Get started](#).

Reply Reply to All Forward More

Lesley Groff <[REDACTED]> 08/02/07 at 3:01 PM

To Sarah Ransome

Hi...yes, of course. I will tell him to try you again. Will you keep your phone on and with you?

Lesley Groff  
Executive Assistant to Jeffrey Epstein

EXHIBIT  
DfE 10  
2/17/17  
JEREMY RICHMAN

RANSOME\_000006

YAHOO!  
MAIL

All

Sarah: search your mail

Search mail

Search web

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Sarah



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Re: FIT website (14)

Sarah Ransome

08/02/07 at 9:34 PM ★

Sarah Ransome

08/02/07 at 9:43 PM ★

Sarah Ransome

08/02/07 at 3:00 PM ★

Lesley Groff

08/02/07 at 3:01 PM ★

Lesley Groff

09/02/07 at 3:30 PM ★

Sarah Ransome

09/02/07 at 9:07 PM ★

Lesley Groff

09/02/07 at 9:18 PM ★

To: Sarah Ransome

Thank you Sarah! I will get your essay and email to Jeffrey!! I will also look in to tickets for you...tell me exactly where to need to fly from...

Lesley Groff  
Executive Assistant to Jeffrey Epstein

**From:** Sarah Ransome [mailto: [REDACTED]]  
**Sent:** Friday, February 09, 2007 3:07 PM  
**To:** Lesley Groff  
**Subject:** RE: FIT website

Hi Lesley

Sorry for the delay. Here is my essay and thank you for letting me know that you recieved my application otherwise I would start to worry. Also I really do need a flight booked back to New York preferably the 27th as it is high season here and there might not be any available flights at the end of the month. Can you please check with Jeffery and let me know.

Thanks ever so much

Sarah

P.S Could you also let him know that I am going to three different modelling agencies on Monday in search of a PA.

The fish are biting.  
[Get more visitors](#) on your site using [Yahoo! Search Marketing](#).

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Lesley Groff

09/02/07 at 9:50 PM ★

Sarah Ransome

09/02/07 at 10:09 PM ★

Sarah Ransome

12/02/07 at 5:21 PM ★

Lesley Groff

12/02/07 at 3:37 PM ★

Lesley Groff

15/02/07 at 3:01 PM ★

Sarah Ransome

15/02/07 at 11:06 PM ★

Lesley Groff

16/02/07 at 2:39 PM ★

RANSOME\_000008

YAHOO!  
MAIL

All

Sarah, see your messages

Search Mail

Search web

Home

Sarah



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Re: FIT website (14)

Sarah Ransome

06/02/07 at 9:34 PM

Sarah Ransome

08/02/07 at 2:43 PM

Sarah Ransome

09/02/07 at 3:00 PM

Lesley Groff

06/02/07 at 3:01 PM

Lesley Groff

09/02/07 at 3:30 PM

Sarah Ransome

09/02/07 at 9:07 PM

Lesley Groff

09/02/07 at 9:16 PM

Lesley Groff

09/02/07 at 9:50 PM

To: Sarah Ransome

...I also need to know what kind of visa you are coming on? (student? tourist?) ...do you need a round trip ticket or is this one way to NY?

Lesley Groff  
Executive Assistant to Jeffrey Epstein

**From:** Sarah Ransome [mailto: ]

**Sent:** Friday, February 09, 2007 3:07 PM

**To:** Lesley Groff

**Subject:** RE: FIT website

Hi Lesley

Sorry for the delay. Here is my essay and thank you for letting me know that you recieved my application otherwise I would start to worry. Also I really do need a flight booked back to New York preferably the 27th as it is high season here and there might not be any available flights at the end of the month. Can you please check with Jeffery and let me know.

Thanks ever so much

Sarah

P.S Could you also let him know that I am going to three different modelling agencies on Monday in search of a PA.

The fish are biting.

[Get more visitors](#) on your site using [Yahoo! Search Marketing](#).

Reply Reply to All Forward More

Sarah Ransome

09/02/07 at 10:08 PM

Sarah Ransome

12/02/07 at 5:21 PM

Lesley Groff

13/02/07 at 3:37 PM

Lesley Groff

15/02/07 at 3:04 PM

Sarah Ransome

13/02/07 at 10:08 PM

Lesley Groff

16/02/07 at 1:55 PM

RANSOME\_000009



YAHOO!  
MAIL

Q All Sarah, see your mailbox

Search Mail

Search web

Home

Sarah



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Re: FIT website (14)

Sarah Ransome

06/02/07 at 9:34 PM ★

Sarah Ransome

08/02/07 at 2:43 PM ★

Sarah Ransome

08/02/07 at 3:00 PM ★

Lesley Groff

08/02/07 at 3:01 PM ★

Lesley Groff

09/02/07 at 3:30 PM ★

To Sarah Ransome

Hi Sarah! We rec'd your FIT application, but Jeffrey wants you to fax your essay as well. ...we did not receive it. Thanks, Lesley

Lesley Groff  
Executive Assistant to Jeffrey Epstein

**From:** Sarah Ransome [mailto: ]  
**Sent:** Thursday, February 08, 2007 9:01 AM  
**To:** Lesley Groff  
**Subject:** RE: FIT website

Hi can you please phone back

No need to miss a message. [Get email on-the-go](#)  
with Yahoo! Mail for Mobile. [Get started.](#)

Reply Reply to All Forward More

Sarah Ransome

09/02/07 at 9:07 PM ★

Lesley Groff

09/02/07 at 9:18 PM ★

Lesley Groff

09/02/07 at 9:50 PM ★

Sarah Ransome

09/02/07 at 10:09 PM ★

Sarah Ransome

12/02/07 at 5:21 PM ★

Lesley Groff

13/02/07 at 3:37 PM ★

Lesley Groff

15/02/07 at 3:01 PM ★

Sarah Ransome

15/02/07 at 10:06 PM ★

Lesley Groff

16/02/07 at 3:39 PM ★

Click to Reply, Reply all or Forward

RANSOME\_000010

YAHOO!  
MAIL

All

Sarah Ransome

Search \*all

Search web



Home



Sarah



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Re: FIT website (14)

Sarah Ransome

08/02/07 at 9:34 PM ★

Sarah Ransome

08/02/07 at 2:43 PM ★

Sarah Ransome

08/02/07 at 3:00 PM ★

Lesley Groff

08/02/07 at 3:01 PM ★

Lesley Groff

09/02/07 at 3:30 PM ★

Sarah Ransome

09/02/07 at 9:07 PM ★

Lesley Groff

09/02/07 at 9:13 PM ★

Lesley Groff

09/02/07 at 9:50 PM ★

Sarah Ransome

09/02/07 at 10:09 PM ★

Sarah Ransome

12/02/07 at 5:21 PM ★

Lesley Groff

13/02/07 at 3:37 PM ★

To: Sarah Ransome

Hi Sarah! Yes, we rec'd your essay! Thank you. I have been looking in to some flights for you and will pass them by Jeffrey...I will also let him know about the modeling potentials!

Lesley Groff  
Executive Assistant to Jeffrey Epstein

-----Original Message-----

From: Sarah Ransome [mailto: [REDACTED]]  
Sent: Monday, February 12, 2007 11:22 AM  
To: Lesley Groff  
Subject: Re: RE: FIT website

Morning lesley

Hope you had a good weekend. Did Jeffrey receive the essay and have you seen any flights yet? Could you please let Jeffrey know that I went into modelling agencies today and I might have a couple potentials.  
Thanks.

Sarah

No need to miss a message. Get email on-the-go with Yahoo! Mail for Mobile. Get started  
<http://mobile.yahoo.com/mail>

Reply Reply to All Forward ... More

Lesley Groff

15/02/07 at 3:01 PM ★

Sarah Ransome

15/02/07 at 10:00 PM ★

RANSOME\_000011

YAHOO!  
MAIL

All

Sarah Ransome

Search \*fail

Search web

Home

Sarah



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Shopping

Travel

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Re: FIT website (14)

Sarah Ransome

06/02/07 at 9:34 PM ★

Sarah Ransome

08/02/07 at 2:43 PM ★

Sarah Ransome

08/02/07 at 3:00 PM ★

Lesley Groff

09/02/07 at 3:01 PM ★

Lesley Groff

09/02/07 at 3:30 PM ★

Sarah Ransome

@ 09/02/07 at 9:07 PM ★

Lesley Groff

09/02/07 at 9:18 PM ★

Lesley Groff

09/02/07 at 9:50 PM ★

Sarah Ransome

09/02/07 at 10:09 PM ★

Sarah Ransome

12/02/07 at 5:21 PM ★

Lesley Groff

13/02/07 at 3:37 PM ★

Lesley Groff

15/02/07 at 3:01 PM ★

To: Sarah Ransome

Sarah! Hello! We are looking in to tickets for you...but Jeffrey wants to make sure you have a place to stay while you are here. Please let me know. Thanks, Lesley

Lesley Groff  
Executive Assistant to Jeffrey Epstein

-----Original Message-----

From: Sarah Ransome [mailto: [REDACTED]]  
Sent: Monday, February 12, 2007 11:22 AM  
To: Lesley Groff  
Subject: Re: RE: FIT website

Morning lesley

Hope you had a good weekend. Did Jeffrey receive the essay and have you seen any flights yet? Could you please let Jeffrey know that I went into modelling agencies today and I might have a couple potentials.  
Thanks,

Sarah

No need to miss a message. Get email on-the-go with Yahoo! Mail for Mobile. Get started.  
<http://mobile.yahoo.com/mail>

Reply Reply to All Forward ... More

Sarah Ransome

15/02/07 at 10:06 PM ★

RANSOME\_000012



YAHOO!  
MAIL

All

Sarah's search history

Search \*all

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Sarah



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Important

Unread

Starred

People

Social

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Travel

Finance

Pumla Griszell

Folders

Recent

Happy V day xoxo (2)

People

To: Sara new num

15/02/07 at 8:45 AM

Hey babes Hope ur doing well J forgot to call u He ll b in touch as soon as he gets a chance Hope South Africa is going well I am excited because I found another internship position in FASHION u might b interested in In case miami doesn't work out Stay in touch NAT  
Sent via BlackBerry from Cingular Wireless

[Reply](#) [Reply to All](#) [Forward](#) [More](#)

Sarah Ransome &lt;[REDACTED]&gt;

15/02/07 at 10:16 PM

To: [REDACTED]

Hey my gorgeous friend.

South Africa is still going well. Spent some quality time with my family and it has also given me the opportunity to think about a few things. I am very interested in the internship in new york. Adam and I are getting quite serious now and he unfortunately has just broken his ankle. Plonker! I am coming back next week Sunday so we should arrange to meet. How are things with you. Did you have a good v day. Yuck I hate sloppy couples! Has j said anything about me lately? Missing you lots honey and I am really looking forward to seeing you.

Lots of hugs and kisses

Sarah x x x

Need a quick answer? Get one in minutes from people who know.  
Ask your question on [www.answers.yahoo.com](http://www.answers.yahoo.com)

[Reply](#) [Reply to All](#) [Forward](#) [More](#)

Click to Reply, Reply all or Forward

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- People
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- Finance
- Pumla Grizzell

Folders

Recent

Re: FIT website (14)

|                         |                      |   |
|-------------------------|----------------------|---|
| Sarah Ransome           | 06/02/07 at 9:34 PM  | ★ |
| Sarah Ransome           | 08/02/07 at 2:43 PM  | ★ |
| Sarah Ransome           | 09/02/07 at 3:00 PM  | ★ |
| Lesley Groff            | 08/02/07 at 3:01 PM  | ★ |
| Lesley Groff            | 09/02/07 at 3:30 PM  | ★ |
| Sarah Ransome           | 09/02/07 at 9:07 PM  | ★ |
| Lesley Groff            | 09/02/07 at 9:19 PM  | ★ |
| Lesley Groff            | 09/02/07 at 9:59 PM  | ★ |
| Sarah Ransome           | 09/02/07 at 10:09 PM | ★ |
| Sarah Ransome           | 12/02/07 at 5:21 PM  | ★ |
| Lesley Groff            | 13/02/07 at 3:37 PM  | ★ |
| Lesley Groff            | 15/02/07 at 3:01 PM  | ★ |
| Sarah Ransome           | 15/02/07 at 10:06 PM | ★ |
| Lesley Groff [REDACTED] | 16/02/07 at 3:39 PM  | ★ |

To: Sarah Ransome

Hi Sarah...Jeffrey is awaiting your picture!...and why were you hoping to hear from me before going to bed??

:) Les

Lesley Groff  
Executive Assistant to Jeffrey Epstein

-----Original Message-----  
From: Sarah Ransome [mailto:[REDACTED]]  
Sent: Thursday, February 15, 2007 4:07 PM  
To: Lesley Groff  
Subject: Re: RE: RE: FIT website

Hey lesley

I will be going to bed in the next hour and a half so hopefully I will speak to you before then. Hope you are well and good hearing from you.

Thanks

Sarah:)

Do you Yahoo!?  
Everyone is raving about the all-new Yahoo! Mail beta.  
<http://new.mail.yahoo.com>

RANSOME\_000014

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- Travel
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- Pumla Griszell
- Important
- Unread
- Starred
- People
- Social
- Shopping
- Travel
- Finance
- Pumla Griszell

Folders

Recent

Jeffrey Epstein

Lesley Groff [REDACTED] 21/02/07 at 4:23 PM

To Sarah Ransome

Hello Sarah! The following is from Jeffrey:

I'm surprised I haven't heard from you.

Lesley Groff  
Executive Assistant to Jeffrey Epstein

Reply Reply to All Forward More

Click to Reply, Reply all or Forward

Send [Icons]

# **EXHIBIT I**



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

|                      |   |
|----------------------|---|
| -----X               |   |
| VIRGINIA L. GIUFFRE, | : |
| Plaintiff,           |   |
| v.                   |   |
| GHISLAINE MAXWELL,   |   |
| Defendant.           |   |
| -----X               |   |

15-cv-07433-RWS

**NOTICE OF SERVICE OF RULE 45 SUBPOENA  
AND NOTICE OF DEPOSITION OF SARAH RANSOME**

PLEASE TAKE NOTICE that on **February 17, 2017 at 9:00 a.m.**, pursuant to Rule 30 of the Federal Rules of Civil Procedure, counsel for the defendant will take the deposition of Sarah Ransome at 575 Lexington Ave., Fl. 4, New York, NY 10022, before a certified court reporter or other officer duly authorized to administer oaths. The deposition will be recorded by stenographic means.

Pursuant to Rule 45, Defendant Ghislaine Maxwell also hereby provides Notice of Service of Subpoena upon Sarah Ransome. A copy of the Subpoena is attached to this Notice.



Dated: February 6, 2017

Respectfully submitted,

s/ Laura A. Menninger

Laura A. Menninger (LM-1374)

Jeffrey S. Pagliuca

HADDON, MORGAN AND FOREMAN, P.C.

150 East 10<sup>th</sup> Avenue

Denver, CO 80203

Phone: 303.831.7364

Fax: 303.832.2628

lmenninger@hmflaw.com

*Attorneys for Ghislaine Maxwell*

#### **CERTIFICATE OF SERVICE**

I certify that on February 6, 2017, I electronically served this *NOTICE OF SERVICE OF RULE 45 SUBPOENA AND NOTICE OF DEPOSITION OF SARAH RANSOME* via Email on the following:

Sigrid S. McCawley  
Meridith Schultz  
BOIES, SCHILLER & FLEXNER, LLP  
401 East Las Olas Boulevard, Ste. 1200  
Ft. Lauderdale, FL 33301  
smccawley@bsflfp.com  
mschultz@bsflfp.com

Paul G. Cassell  
383 S. University Street  
Salt Lake City, UT 84112  
cassellp@law.utah.edu

Bradley J. Edwards  
FARMER, JAFFE, WEISSING, EDWARDS,  
FISTOS & LEHRMAN, P.L.  
425 North Andrews Ave., Ste. 2  
Ft. Lauderdale, FL 33301  
brad@pathtojustice.com

/s/ Nicole Simmons

Nicole Simmons

AO 88A (Rev. 12/13) Subpoena to Testify at a Deposition in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

Virginia Giuffre

Plaintiff

v.

Ghislaine Maxwell

Defendant

Civil Action No. 15-cv-07433-RWS

## SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Sarah Ransome

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place:

575 Lexington Avenue, 4th Floor  
New York, New York 10022

Date and Time:

February 17 at 9:00 a.m.

The deposition will be recorded by this method: stenography

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Attachment A

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 02/06/2017

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR  

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Ghislaine Maxwell, who issues or requests this subpoena, are:

Laura A. Menninger, 150 E. 10th Ave., Denver, CO 80203, LMenninger@HMFLaw.com, 303-831-7364.

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 12/13) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 15-cv-07433-RWS

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:



**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **ATTACHMENT A**

### **DEFINITIONS**

1. "Any" means any and all.
2. "You" or "Your" means Sarah Ransome, and anyone acting on Your behalf, and any employee, agent, attorney, consultant, assignee, related entities or other representative of You.
3. "Agent" shall mean any agent, employee, officer, director, attorney, independent contractor or any other person acting, or purporting to act, at the discretion of or on behalf of another.
4. "Document" is intended to be defined as broadly as permitted by Rule 34 and includes every writing or record of every type and description that is or has been in Your possession, custody or control, or of which You have knowledge, including but not limited to, emails, text messages, instant messages, videotapes, photographs, notes, letters, memoranda, forms, books, magazines, resumes, notebooks, ledgers, journals, diaries, calendars, appointment books, papers, agreements, contracts, invoices, analyses, transcripts, plaques, correspondence, telegrams, drafts, data processing or computer diskettes and CD disks, tapes of any nature and computer interpretations thereof, instructions, announcements, and sound recordings of any nature. "Document" also means all copies which are not identical to the original document as originally written, typed or otherwise prepared. The term "Document" shall also include all documents of any nature that have been archived or placed in permanent or temporary storage including electronic storage.
5. "Communication" means any transmission or exchange of information between two or more persons, orally or in writing or otherwise, and includes, but is not limited to, any correspondence, conversation or discussion, whether face-to-face, or by means of telephone, email, text message, electronic message via apps such as Facebook, What's App, Snapchat, LinkedIn or similar, or other media or Documents.
6. "Virginia Roberts Giuffre" means Virginia Giuffre, formerly known as Virginia Roberts, date of birth [REDACTED] the Plaintiff in the above captioned matter.
7. "Identify" means to specify as to a "Person," the name, address, telephone number and any other identifying information possessed by You.
8. "Person" means any natural person, individual, firm, partnership, association, joint venture, estate, trust, receiver, syndicate, enterprise or combination, corporation or other legal, business or government entity.
9. Regardless of the tense employed, all verbs should be read as applying to the past, present and future, as is necessary to make any paragraph more, rather than less, inclusive.



10. With respect to any Documents withheld on the basis of a privilege, provide a log consistent with Local Rule 26.2 of the Federal Rules of Civil Procedure for the Southern District of New York.

#### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made to Laura Menninger, Haddon, Morgan & Foreman, PC, 150 E. 10<sup>th</sup> Ave., Denver, CO 80220, no later than February 13, 2017, at 9:00 a.m. Alternatively, you may provide the records electronically by that date and time to Laura Menninger at [LMenninger@HMFLLaw.com](mailto:LMenninger@HMFLLaw.com) or by such other method as agreed upon with counsel for the subpoenaing party.
2. This Request calls for the production of all responsive Documents in your possession, custody or control without regard to the physical location of such documents.
3. If any Document was in your possession or control, but is no longer, state what disposition was made of said Document, the reason for the disposition, and the date of such disposition.
4. In producing Documents, if the original of any Document cannot be located, a copy shall be produced in lieu thereof, and shall be legible and bound or stapled in the same manner as the original.
5. Any copy of a Document that is not identical shall be considered a separate document.
6. All Documents shall be produced in the same order as they are kept or maintained by you in the ordinary course of business.
7. Responsive electronically stored information (ESI) shall be produced in its native form; that is, in the form in which the information was customarily created, used and stored by the native application employed by the producing party in the ordinary course of business.
8. Defendant does not seek and does not require the production of multiple copies of identical Documents.
9. Unless otherwise specified, the time frame of this request is from 1999 to present.
10. This Request is deemed to be continuing. If, after producing these Documents, you obtain or become aware of any further information, Documents, things, or information responsive to this Request, you are required to so state by supplementing your responses and producing such additional Documents to Defendant.



**DOCUMENTS TO BE PRODUCED**

1. All Documents containing Communications with Virginia Roberts Giuffre, or any of her attorneys, agents, investigators, from the period 1999-present.
2. All fee agreements for Your engagements with any attorneys for the purpose of pursuing any civil or criminal claims regarding Jeffrey Epstein, Ghislaine Maxwell, Natalya Malyshev, Sarah Kellen, and Nadia Marcincova.
3. All Documents that reference, relate to, or mention, whether by name or otherwise, the following individuals: Virginia Roberts, Ghislaine Maxwell, Jeffrey Epstein, Natalya Malyshev, Sarah Kellen, and Nadia Marcincova.
4. All Communications You have had in whatever form with any other female who you ever witnessed at or in a property, home, business, plane or automobile other vehicle owned or controlled by Jeffrey Epstein.
5. All Communications You have had with Natalya Malyshev, Virginia Roberts, Ghislaine Maxwell, Jeffrey Epstein, Sarah Kellen, or Nadia Marcincova.
6. Any photographs containing any image of Virginia Roberts, Ghislaine Maxwell, Jeffrey Epstein, Natalya Malyshev, Sarah Kellen, or Nadia Marcincova.
7. Any photographs taken by You, or containing any image of You, at, in or near any home, business, private vehicle (including airplane), or any other property owned or controlled by Jeffrey Epstein.
8. Any photographs that depict any home, business, private vehicle (including airplane), or any other property owned or controlled by Jeffrey Epstein.
9. All of Your passports, travel visas, or permissions to live, work or study in a foreign country, related to the years 2005-present.
10. All Communications regarding any of Your passports, visas, visa applications, or other permission to live, work or study in a foreign country, for the years 2005-present.
11. All Documents referencing any commercial plane tickets, boarding passes, or any other mode of travel during the time period 2006-2007.
12. Any credit card receipt, canceled check, or any other Document reflecting travel by You during the time period 2006-2007.
13. All phone records for any cellphone owned, used or possessed by You during the years 2006-2007.
14. All Documents reflecting or relating to any Communications between Jeffrey Epstein or Ghislaine Maxwell and either of Your parents, step-parents or other family members.

15. All Documents reflecting any money, payment, valuable consideration or other remuneration received by You from Jeffrey Epstein or any person known by You to be affiliated with Jeffrey Epstein.
16. All bank statements, credit card statements, money transfer records, or other statements from any financial institution in Your name, in whole or in part, for the years 2006-2007.
17. Any Documents concerning Your residency during the years 2006-2007, including leases, rental agreements, rent payments, deeds, or trusts.
18. A copy of Your current driver's license.
19. Any Document reflecting any of Your post-secondary training or educational degree or course of study, to include transcripts, payments for tuition, courses taken, dates of attendance and grades received.
20. Any application for college, university, or any other post-secondary institution, or technical college, fashion college, modeling training or any similar institution, submitted by You or on Your behalf during the years 2005 – present.
21. All Documents reflecting any moneys received by You in exchange for any “modeling” by You.
22. All modeling contracts signed or entered into by You.
23. Any calendar, receipt, Communication or Document reflecting your whereabouts during the calendar years 2006-2007.
24. Any Documents reflecting Your medical, mental health or emergency care or other treatment for any eating disorder, malnourishment, kidney malfunction, emotional problems, psychological or psychiatric disorders, sexually transmitted diseases, and therapy records, and any prescriptions for any of the above categories.
25. Any Documents containing any Communications You have had with any law enforcement agency.
26. Any Documents that reflect any criminal charges, tickets, summonses, arrests, investigations concerning You or witnessed by You.
27. Any Documents containing any statement regarding Your experience or contact with Virginia Roberts, Ghislaine Maxwell, Jeffrey Epstein, Natalya Malyshev, Sarah Kellen, and Nadia Marcincova, including without limitation any Communication with anyone, any diary, journal, email, letter, witness statement, and summary.
28. Any civil complaint or civil demand filed by You or on Your behalf by which You have ever sought damages or compensation of any form or nature.

29. A copy of Your most recent paycheck, paycheck stub, earnings statement and any bank statement, credit card statement and any Document reflecting any money owed by You to anyone.
30. A copy of your Facebook, Instagram, Twitter, and any other social media application or program for the years 2006-2007 and from 2015 – present.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Virginia L Giuffre,  
Plaintiff

Case No. 15-cv-07433-RWS

v.

Ghislaine Maxwell,  
Defendant

\_\_\_\_\_/

**JEFFREY EPSTEIN'S MOTION TO QUASH TRIAL SUBPOENA**

Jeffrey Epstein, a non-party to the above captioned action, has been subpoenaed to testify at the trial of this case, being commanded to appear on May 15, 2017.<sup>1</sup> He now moves to quash that subpoena for the reasons set forth herein.

Mr. Epstein was deposed by the parties on November 10, 2016. At that deposition, he asserted his Fifth Amendment privilege and declined to answer all substantive questions posed to him during the deposition. The validity of his assertion of the privilege has already been the subject of extensive litigation in this case, with this Court ruling that, as to questions which the parties sought to compel him to answer, Mr. Epstein's assertion of the privilege was valid and proper. Order, February 2, 2017 (under seal).<sup>2</sup> Mr. Epstein's good faith basis for his assertion of his Fifth Amendment privilege remains unabated. As plaintiff is well aware, it is Mr. Epstein's intention, if he is called as a witness at the trial of this case, to once again assert his Fifth Amendment privilege

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<sup>1</sup> Mr. Epstein agreed to have his attorney accept service of the subpoena but, in so doing, reserved his rights to move to quash the subpoena on any and all grounds.

<sup>2</sup> As to other questions that the parties sought to compel Mr. Epstein to answer, the Court concluded that the information sought was irrelevant. *Id.* at 13. The upshot of the Court's ruling was that Mr. Epstein was not required to answer any of the questions to which the parties sought to compel his answers.

in response to questioning, and his assertion of the privilege at trial will be no less valid than it was at his deposition. Under the circumstances of this case, this Court should not require Mr. Epstein to physically appear to assert his Fifth Amendment privilege in front of the jury.

While it may be true that there is no blanket prohibition in all civil cases against calling a witness who will assert his Fifth Amendment privilege, *see, e.g., Brinks, Inc. v. City of New York*, 717 F.2d 700, 708-10 (2d Cir. 1983); *see also LiButti v. United States*, 107 F.3d 110 (2d Cir. 1997), neither is it the rule that it should be permitted in all such cases. Instead, the propriety of requiring a witness to appear at trial to invoke his Fifth Amendment rights in front of a jury must be evaluated on a case-by-case basis. “The trial judge maintains discretion under Fed. R. Evid. 403 to control the way in which non-party claims of privilege reach the jury.” *RAD Servs., Inc. v. Aetna Cas. & Sur. Co.*, 808 F.2d 271, 272 (3d Cir. 1986), *quoted in LiButti*, 107 F.3d at 122. *See Evans v. City of Chicago*, 513 F.3d 735, 740-41 (7th Cir. 2008)(finding no abuse of discretion in district court’s refusal to permit plaintiff to “maximize and dramatize the moment” by calling witness to assert Fifth Amendment privilege in front of jury); *see also Brinks*, 717 F.2d at 715 (Winter, J., dissenting)(decrying the “invitation to sharp practice” inherent in “permitting the systematic interrogation of witnesses on direct examination by counsel who knows they will assert the privilege against self-incrimination”).

Here, Mr. Epstein submitted to deposition under oath and recorded on video. At that deposition, the parties had an unlimited opportunity to examine him at length, asking approximately 600 separate questions, to all of which Mr. Epstein asserted his Fifth Amendment privilege. No different result would obtain were Mr. Epstein forced to take the stand and assert his Fifth Amendment privilege in front of the jury. Plaintiff seeks to call Mr. Epstein as a witness in the hope



not of eliciting substantive testimony but of obtaining adverse inferences against defendant Maxwell based on Mr. Epstein's assertion of the Fifth Amendment privilege with respect to various questions. Whether or not such adverse inferences are appropriate under the circumstances of this case is currently being litigated between the parties and will be decided by this Court. As explained below, requiring Mr. Epstein to appear before a jury to answer the very same questions as to which he has already asserted his Fifth Amendment privilege during sworn video-recorded testimony will add nothing to the ultimate issue of whether any adverse inference should be permitted, nor would it make any potential adverse inference any more or less valid.

The Second Circuit has identified four factors which are relevant to the determination as to whether courts should permit juries to draw adverse inferences against a party based on a witness' invocation of his Fifth Amendment privilege:

1. *The Nature of the Relevant Relationships:* While no particular relationship governs, the nature of the relationship will invariably be the most significant circumstance. It should be examined, however, from the perspective of a non-party witness' loyalty to the plaintiff or defendant, as the case may be. The closer the bond, whether by reason of blood, friendship or business, the less likely the non-party witness would be to render testimony in order to damage the relationship.
2. *The Degree of Control of the Party Over the Non-Party Witness:* The degree of control which the party has vested in the non-party witness in regard to the key facts and general subject matter of the litigation will likely inform the trial court whether the assertion of the privilege should be viewed as akin to testimony approaching admissibility under Fed. R. Evid. 801(d)(2), and may accordingly be viewed, as in *Brink's*, as a vicarious admission.
3. *The Compatibility of the Interests of the Party and Non-Party Witness in the Outcome of the Litigation:* The trial court should evaluate whether the non-party witness is pragmatically a noncaptioned party in interest and whether the assertion of the privilege advances the interests of both the non-party witness and the affected party in the outcome of the litigation.
4. *The Role of the Non-Party Witness in the Litigation:* Whether the non-party witness was a key figure in the litigation and played a controlling role in respect to any of its underlying aspects also logically merits consideration by the trial court.

*LiButti*, 107 F.3d at 123-24 (italics in original). In her motion seeking to present Mr. Epstein's assertions of his Fifth Amendment privilege in response to various questions, plaintiff has argued why these factors should result in adverse inferences against defendant Maxwell, *see* Plaintiff Giuffre's Motion to Present Testimony from Jeffrey Epstein for Purposes of Obtaining an Adverse Inference ("Motion to Present Epstein Testimony") at 10-13, and defendant Maxwell has argued why they should not, *see* Defendant's Response in Opposition to Plaintiff Giuffre's Motion to Present Testimony from Jeffrey Epstein for Purposes of Obtaining an Adverse Inference ("Opposition to Motion to Present Epstein Testimony") at 2-11. Requiring Mr. Epstein to appear personally to assert his Fifth Amendment privilege in front of the jury has no potential whatsoever to add to or detract from either plaintiff's arguments in favor of an adverse inference or arguments in opposition presented by defendant Maxwell. These factors all present questions which can be determined entirely independently of Mr. Epstein's appearance as a witness at trial. Plaintiff appears to recognize as much, as she makes no distinction in her motion between live testimony and deposition testimony; indeed, plaintiff indicates in her motion that, if Mr. Epstein were to appear as a witness, she would put the very same questions to him as she did at his deposition. *See id.* at 4 ("Ms. Giuffre now intends to call Epstein to ask him *these same questions*, either live an in-person if he honors a trial subpoena served on his legal counsel, or, if he fails to appear, via deposition testimony such as the designations just discussed" (emphasis added)). Indeed, in *LiButti* itself, the issue was the admissibility of the witness' deposition testimony and the extent to which, if any, adverse inference inferences should be drawn from the witness' invocation of the Fifth Amendment at his deposition. Nothing will be added to the adverse inference inquiry by requiring Mr. Epstein to appear personally and reassert his Fifth Amendment privilege in front of the jury, nor would the jury be aided in



determining whether to draw any adverse inferences it is permitted to consider by seeing Mr. Epstein assert the privilege in live testimony in front of it, rather than by seeing him do the same thing in his video deposition.

Adverse inference issues are often submitted to the jury based on deposition testimony rather than on live invocation of the privilege in front of the jury, *see, e.g., SEC v. Jasper*, 678 F.3d 1116, 1125 (9th Cir. 2012); *RAD*, 808 F.2d at 272; *Data Gen. Corp. v. Grumman Sys. Support Corp.*, 825 F. Supp. 340, 352 (D. Mass. 1993); *East Coast Novelty Co. v. City of New York*, 842 F. Supp. 117, 121 (S.D.N.Y. 1994); *Penfield v. Venuti*, 589 F. Supp. 250, 255-56 (D.Conn. 1984), and, should this Court determine that the jury may consider whether an adverse inference is appropriate with respect to any particular questions asked of Mr. Epstein, then the use of Mr. Epstein's video deposition testimony is the procedure which should be followed in this case.

While requiring Mr. Epstein to invoke his Fifth Amendment privilege in front of the jury will yield not even a marginal benefit to either party, there are substantial countervailing concerns that weigh heavily against requiring Mr. Epstein to appear at trial. First, Mr. Epstein's personal appearance would likely generate substantial media attention which would threaten to undermine the parties' rights to a fair trial, a result which neither plaintiff or defendant could legitimately welcome. Second, requiring Mr. Epstein's personal appearance would impose an undue and unnecessary burden on him. Mr. Epstein is not a resident of New York; on the contrary, as both parties know, he resides in the Virgin Islands.<sup>3</sup> Because Mr. Epstein's assertion of his Fifth Amendment privilege at

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<sup>3</sup> Mr. Epstein's residence in the Virgin Islands provides an additional reason why Mr. Epstein should not be required to appear at the trial of this case. Mr. Epstein spends a majority of his time in the Virgin Islands, which is his legal residence. He does not, therefore, reside within 100 miles of the place of this trial. *See generally* Fed. R. Civ. P. 45(c)(1)(A).

his video deposition is the functional equivalent of an in-person assertion, the distance of travel required and the expenses which would be incurred—here, not just the cost of travel to New York but also additional legal fees for representation during his testimony—would impose a substantial and unwarranted burden on Mr. Epstein.

Fed. R. Civ P. 45(d)(3)(A)(iv) provides that the court for the district where compliance is required must quash a subpoena that “subjects a person to undue burden.” “An evaluation of undue burden requires the court to weigh the burden to the subpoenaed party against the value of the information to the serving party.” *Travelers Indem. Co. v. Metro. Life Ins. Co.*, 228 F.R.D. 111, 113 (D. Conn. 2005). “Whether a subpoena subjects a witness to undue burden within the meaning of [Rule 45(d)(3)(A)(iv)] ‘depends upon such factors as relevance . . . and the burden imposed.’” *Garneau v. Paquin*, 2015 WL 3466833, at \*3 (D. Conn. June 1, 2015), *quoting In re Application of Operacion y Supervision de Hoteles, S.A.*, 2015 WL 82007, at \*4 (S.D.N.Y. Jan. 6, 2015). *See Cusumano v. Microsoft Corp.*, 162 F.3d 708, 717 (1st Cir. 1998)(“concern for the unwanted burden thrust upon non-parties is a factor entitled to special weight in evaluating the balance of competing needs”). Here, forcing Mr. Epstein, a nonparty, to travel to New York to assert his Fifth Amendment privilege in front of the jury would add no “value” to either plaintiff’s or defendant’s case beyond whatever may be afforded by Mr. Epstein’s assertion of his Fifth Amendment privilege at his video deposition, nor would Mr. Epstein’s personal appearance at trial add anything of relevance to the parties’ cases beyond that which the jury could observe in Mr. Epstein’s video deposition testimony. Given the wholesale lack of value or relevance of Mr. Epstein’s personal appearance before the jury, the burdens to which such an appearance would subject him should be controlling. This is

particularly true when the spectre of this trial's becoming even more of a media event is factored into the analysis.<sup>4</sup>

Plaintiff also argues in her motion that she should be permitted to call Mr. Epstein as a witness to forestall the possibility that the jury would find it odd that she had not called Mr. Epstein to testify. Motion to Present Epstein Testimony at 13-15. As defendant argues in the Opposition to Motion to Present Epstein Testimony:

To the extent a jury wonders why Mr. Epstein is not called by Plaintiff, they will also wonder why Ms. Maxwell is not calling him if he has exonerating information. There are a myriad of reasons why a witness may or may not testify or why evidence may or may not be presented at trial. Fortunately, this is a problem that is easily remedied through jury instructions.

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<sup>4</sup> Mr. Epstein has been, and continues to be, the subject of extensive publicity, much of it salacious. A Google search for "Jeffrey Epstein" returns 508,000 entries, the most recent of which center on the new nominee for Secretary of Labor, Alexander Acosta, who, when he was United States Attorney for the Southern District of Florida, approved Mr. Epstein's nonprosecution agreement. *See, e.g.*, New York Daily News, "Labor Secretary nominee Alexander Acosta gave 'sweetheart deal' to sex offender Jeffrey Epstein," February 16, 2017, available at <http://www.nydailynews.com/news/national/labor-pick-acosta-gave-sweetheart-deal-sex-offender-epstein-article-1.2975065> (last visited February 17, 2017); Politico, "Trump's Labor nominee oversaw 'sweetheart plea deal' in billionaire's underage sex case," February 16, 2017, available at <http://www.politico.com/story/2017/02/alexander-acosta-trump-jeffrey-epstein-plea-235096> (last visited February 17, 2017). Mr. Epstein's name has been widely linked in the press with prominent individuals such as Donald Trump, Bill Clinton, Prince Andrew. *See, e.g.*, New York Post, "The 'sex slave' scandal that exposed pedophile billionaire Jeffrey Epstein," October 9, 2016, available at <http://nypost.com/2016/10/09/the-sex-slave-scandal-that-exposed-pedophile-billionaire-jeffrey-epstein/> (last visited February 17, 2017); Newsweek, "Jeffrey Epstein: the Sex Offender Who Mixes with Princes and Premiers," January 29, 2015, available at <http://www.newsweek.com/2015/02/06/sex-offender-who-mixes-princes-and-premiers-302877.html> (last visited February 17, 2017). He is the subject of a recently released book by best-selling author James Patterson titled *Filthy Rich: A Powerful Billionaire, the Sex Scandal that Undid Him, and All the Justice that Money Can Buy - The Shocking True Story of Jeffrey Epstein* (Little, Brown & Co. October 10, 2016). His personal appearance at the trial of this case would predictably be the focus of massive media attention, of both the mainstream and gutter variety.

Opposition to Motion to Present Epstein Testimony at 15. Moreover, presenting Mr. Epstein's deposition testimony in which he asserted his Fifth Amendment privilege in response to questioning regarding plaintiff's allegations would completely alleviate this concern, as the jury would know from that testimony exactly "what Epstein . . . has to say about all this." Motion to Present Epstein Testimony at 14. There is no indication in *Cerro Gordo Charity v. Fireman's Fund Am. Life Ins. Co.*, 819 F.2d 1471 (8th Cir. 1987), on which plaintiff relies, *id.* at 14-15, that deposition testimony of the witness was available in lieu of personal appearance before the jury to assert the Fifth Amendment privilege. The Court, stressing that the determination must be made on a case-by-case basis, *id.* at 1481, concluded that there was no error in permitting the witness to be called even though he had indicated that he would assert the privilege because

[h]earing Richards invoke the privilege informed the jury why the parties with the burden of proof, i.e., the insurance companies, resorted to less direct and more circumstantial evidence than Richards' own account of what had occurred. . . . Otherwise, the jury might have inferred that the companies did not call Richards to testify because his testimony would have damaged their case.

*Id.* at 1482. Even a limited use of Mr. Epstein's deposition testimony would serve these purposes equally well, as the jury would be left in no doubt as to why the plaintiff had not called Mr. Epstein as a witness.

Finally, defendant Maxwell has argued in her Opposition to Motion to Present Epstein Testimony that to the extent any questions posed to Mr. Epstein in his deposition might have been relevant to the issues in this case, presenting those questions and Mr. Epstein's responsive Fifth Amendment invocation to the jury would be substantially more prejudicial than probative:

As to any questions regarding Ms. Maxwell or Plaintiff, the questions are severely more prejudicial than probative, designed only to confuse and mislead the jury into making a determination on an improper basis. The *LiButti* court and subsequent decisions have been

quite clear that the types of questions posed to Mr. Epstein, leading pejorative questions, designed to suggest that the answer would be yes, are precisely the types of questions that should be excluded from evidence under 403.

Opposition to Motion to Present Epstein Testimony at 12. Requiring Mr. Epstein's live Fifth Amendment invocation in front of the jury in response to the very same questions would be no less prejudicial and no more probative and would provide no independent basis to justify the burdens it imposes on Mr. Epstein or the damage to the integrity of the trial which will likely result from the media circus generated by Mr. Epstein's personal appearance.

### **CONCLUSION**

For all the foregoing reasons, Mr. Epstein's Motion to Quash should be granted.

Respectfully submitted,  
JEFFREY EPSTEIN  
By his attorneys,

**/s/ Jack Alan Goldberger**

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**CERTIFICATE OF SERVICE**

I, Martin G. Weinberg, hereby certify that on this 3rd day of March, 2017, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system, thus effecting service on counsel of record:

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**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

\_\_\_\_\_/

**PLAINTIFF'S RESPONSE IN OPPOSITION  
TO DEFENDANT'S MOTION FOR SANCTIONS**

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By and through her undersigned counsel, Ms. Giuffre hereby submits her Response in Opposition to Defendant's Motion for Sanctions. Defendant's frivolous motion should be denied. As part of a therapeutic exercise, Ms. Giuffre burned a personal journal with memories of her sexual abuse in 2013 – two years before the defamation in this case occurred and three years before this litigation began. Sanctions are, accordingly, obviously not appropriate.

## I. INTRODUCTION

On November 2, 2016, this Court entered an Order granting Ms. Giuffre an adverse inference instruction due to Defendant's willful refusal to turn over electronic discovery. Just one month later, the Defendant filed this frivolous motion, asking for an adverse inference against Ms. Giuffre because Ms. Giuffre burned an emotionally painful journal as part of a healing process – healing from Defendant's sex abuse – *two years before* this defamation cause of action accrued and *three years before* the start of this litigation,<sup>1</sup> and because Ms. Giuffre could not find a notebook in which she recorded her dreams, an item for which there is no evidence of having evidentiary value whatsoever. Significantly, there is no evidence that the dream journal became missing *after* she had a duty to preserve it, and Defendant has made no showing that Ms. Giuffre had this dream journal in her possession while she had a duty to preserve. Ms. Giuffre testified that she thought it was located in her child's closet, but upon searching for it, she was not able to find it. It is unknown even to Ms. Giuffre when it was lost.

The basic facts appear to be uncontested. As Ms. Giuffre testified in her depositions, she was sexually abused by Epstein and the Defendant in and around 2000. Then, a decade after her sexual abuse, in around 2011 and 2012, she wrote some memories of that sexual abuse in a journal. Then in 2013, she burned that journal as a "spiritual" exercise to help her heal from the

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<sup>1</sup> Indeed, Defendant raised this same issue at this Court's hearing back in May of 2016, yet Defendant waited seven months, until after the Court issued an adverse inference against her, to file this motion for sanctions.

sexual abuse. Of course, the facts at issue in this case began in January 2015, when Defendant defamed Ms. Giuffre, leading to this lawsuit, filed in September 2015. Ms. Giuffre also testified that, at one point, she had a dream journal, but never testified that she had her dream journal during the pendency of this litigation or that her dream journal had anything related to this litigation within it.

Ms. Giuffre performed a diligent search for all documents even potentially connected to this case. She produced a 141 page manuscript from her electronic files, which was also written in 2011; she produced a huge number of photographs and travel documents from the time Defendant and Epstein abused her; and she produced a copious amount of ESI from various sources. To leave no stone unturned, Ms. Giuffre paid \$600 to retrieve storage boxes from a remote location and produced additional photographs found within those boxes. After a diligent search with the assistance of her attorneys, Ms. Giuffre was unable to locate the spiral bound notebook into which she used to record some of her dreams. However, the great number of documents produced by Ms. Giuffre, and those produced by third-parties, unambiguously point to the conclusion that this dream book would not have been useful to Defendant, because if it included anything related to this matter, it would likely have simply contained additional notes about Defendant's involvement with Epstein in abusing her.

From these simple facts, Defendant now seeks to spin a claim of "intentional destruction of evidence." That the Defendant is asking the Court to somehow penalize Ms. Giuffre for taking a step to heal from Defendant's sexual abuse is perverse. In any event, it is wholly unsupported in law, as no duty exists to preserve documents before a cause of action accrues. Of course, Ms. Giuffre could not predict in 2013 that Defendant would later defame her in 2015. Therefore, Ms. Giuffre had no duty to preserve anything at that point in time. And, in any event,

she has performed a diligent search to locate all potentially relevant documents. Ms. Giuffre was unable to find anything connected with the dream journal, which is obviously why she could not produce it.

Defendant is unable to cite even a single case in which any court has imposed a “sanction” for document destruction entirely unrelated to the case before the court. Seeming to recognize this problem, Defendant claims that Ms. Giuffre somehow was obligated to preserve her journal in 2013 because she was contemplating joining a case involving the Crime Victims Rights Act (CVRA) against the federal government then pending in the Southern District of Florida. If we understand the chain of reasoning correctly, Defendant apparently argues that (1) Ms. Giuffre’s mere interest in the CVRA case in 2013, which later matured into a motion to join in 2014, somehow triggered some duty to preserve the notes about sex abuse (which she had made earlier in her journal in 2011 and 2012) when she was considering burning the notes in 2013; (2) that duty to preserve those notes in 2013 potentially related to the motion she filed in the CVRA case in 2014; and (3) that such a duty, somehow, attaches to a defamation claim due to statements made by the Defendant in 2015. This contrived argument is wholly without merit for several reasons. First, Ms. Giuffre had no duty to preserve her journal in 2013. Second, even if any duty arose (which it did not), the duty would have been to the U.S. Attorney’s Office – which has not made any argument that its interests have been impaired. Third, any duty to preserve the journal would have been in connection with *that* litigation, not this defamation case which arose several years later. Fourth, in any event, Ms. Giuffre has produced a lengthy, 141-page draft manuscript that was written in 2011, the same year she was writing in her journal, as well as the notes from her treating psychologist from the same year.

Tellingly, Defendant cites no case law – in any jurisdiction – to support the proposition that any duty to preserve materials for a federal crime victim’s right case in the past (let alone one that involved wholly different parties and wholly different causes of action) somehow transfers to a New York state law defamation claim involving a different party that arose years later. To the contrary, even rulings in the Southern District of New York hold the opposite, but Defendant failed to cite those rulings. Instead, Defendant’s brief quotes extensively from cases in which parties destroyed evidence *after* the cause of action accrued and *after* the parties had notice of a duty to preserve. Those are inapposite.

Because this is a losing argument for the Defendant, unsupported by law or logic, Defendant’s brief turns to fiction and fancy, making inflammatory claims against Ms. Giuffre and her attorneys that have absolutely no basis in fact. For example, Defendant’s brief states that “there is reason to suspect that Plaintiff acted in concert with or was encouraged by her attorneys to embellish her story.” Motion at 12. Tellingly absent from Defendant’s brief are any “reasons” or supporting facts for that allegation.

This Court has previously instructed Defendant to discontinue filing “frivolous or vexatious motions” based upon nothing but “a supposing of bad faith,” “lacking sufficient factual support to support a colorable argument.”

Having provided no grounds to doubt the sworn representations of Plaintiff’s counsel, Defendant’s motion to compel these communications is denied. Defendant is granted leave to refile the motions with respect to media and business advice on the basis of relevant and non-specious factual support. Court intervention should not be invoked to resolve routine discovery matters on the basis of a supposition of bad faith. Further filing of frivolous or vexatious motions lacking sufficient factual support to support a colorable argument (or on the basis of misrepresented or false facts or law) will be met with sanctions.

June 20, 2016, Sealed Order at 13-14. The Defendant ignored this Order, and her motion should be denied.

## II. LEGAL ARGUMENT

### A. Defendant's Motion Should Be Denied Because it is Untimely and Defendant is Merely Trying to Deflect from Her Own Discovery Misconduct

The first reason the Court should deny this motion is that it is simply and obviously untimely. Defendant complained to this Court at least as early as May 2016, that Ms. Giuffre had a bonfire two years prior to Defendant's defamation. As counsel for Ms. Giuffre said at the time:

There is absolutely no reason why my client should reasonably anticipate that her sex abuser would defame her in the global stage at that point [when she held the bonfire]. She is a child victim of sex abuse at the hands of the defendant [and] co-conspirators, and she decided to burn certain memories as a step toward the healing process. That is outside the control of counsel and certainly unrelated to anything going on in an action filed in 2015.

May 12, 2016 Hr. Tr. at 10:1-8.

Yet while these issues were before the Court by (at least) May, Defendant waited an additional *seven months* to file this motion that she claims should result in *the complete dismissal* of this action. Such delay is unreasonable. The Second Circuit has held that "a motion for Rule 37 sanctions should be promptly made thereby allowing the judge to rule on the matter when it is still fresh in his mind." *Mercy v. County of Suffolk*, 748 F.2d 52, 56 (2d Cir.1984). Defendant gives no reason why she did not present this issue to the Court last May, and she cites no new information in her brief that developed during that time. Instead, the only intervening development with some connection to the motion may be this Court's November 2, 2016, Order, which concluded that the Defendant had withheld discovery materials. A few weeks later, the Defendant filed this motion accusing Ms. Giuffre of withholding discovery materials.<sup>2</sup>

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<sup>2</sup> Defendant appears to have a pattern of filing seemingly tit-for-tat motions. In many such motions, Defendant copies the language of Plaintiff's briefs word-for-word, despite there being few, if any, factual similarities. See, e.g., Plaintiff's Motion to Compel for Improper Claim of



The key fact is that Defendant fails to offer any explanation whatsoever for her delay in bringing this motion. Therefore, this Court should reject Defendant's motion as untimely. *See Gutman v. Klein*, 2010 WL 4916722, at \*8 (E.D.N.Y. Nov. 24, 2010) (denying sanctions motion, in part, as untimely).

**B. There Was No Duty to Preserve The Journal Because There Was No Pending or Reasonably Foreseeable Litigation to Which Ms. Giuffre Was a Party**

Turning to the merits of Defendant's motion, Ms. Giuffre could not have violated any duty to preserve her journal because no such duty existed. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Kraus v. General Motors Corp.*, 2007 WL 3146911, at \*1 (S.D.N.Y. Oct. 24, 2007) (denying sanctions). Defendant fails to meet her burden because when Ms. Giuffre burned her journal in 2013, this litigation (filed in 2015) was not "pending." Nor was this litigation "reasonably foreseeable." In 2013, Ms. Giuffre had no way of foreseeing that, two years later in 2015, the Defendant would maliciously defame her. Defendant's motion should be denied on this ground alone.

Attempting to manufacture such a duty, Defendant points to the fact that in 2013, Ms. Giuffre was considering joining the CVRA case in Florida. It is also important to understand the context of that case. As the Court will recall from earlier briefing, in 2008, two child sexual abuse victims of Jeffrey Epstein brought suit against the United States Attorney for the Southern District of Florida under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771. The cause of action was premised upon the U.S. Attorney Office's failure to timely notify Epstein's victims of Epstein's non-prosecution agreement, as required under 18 U.S.C. § 3771(a). Six years after the lawsuit's inception, on December 30, 2014, Ms. Giuffre filed a motion to join the CVRA

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Privilege (DE 33) (granted in part), and Defendant's Motion to Compel for Improper Claim of Privilege (DE 155) (denied).

case. Several months later, Judge Marra denied Ms. Giuffre's motion. *See* April 7, 2015, Order Denying Petitioners' Motion to Join under Rule 21 and Motion to Amend under Rule 15, *Jane Doe No. #1 and #2 v. United States*, No. 9:08-cv-80736-KAM, S.D. Fla. at DE 280 and DE 324.

This ruling alone eliminates any duty that even arguably could have attached to Ms. Giuffre in 2013 – any contemplated litigation simply never later materialized. But, in any event, any duty that Ms. Giuffre may have had related to the CVRA case would have run to the sole defendant in that case – the U.S. Attorney's Office. The Office had years earlier (in 2008) identified Ms. Giuffre as a protected "victim" of Jeffrey Epstein's sex abuse, even mailing to Ms. Giuffre a notice of her rights as a crime victim under the CVRA. *See* Schultz Dec. at Exhibit 1, Victim Notification Letter. Accordingly, Ms. Giuffre's status as a "victim" could never have been an issue in the CVRA case. The limited issue in the CVRA case is whether the Government properly discharged its duties to the victims to confer with them and notifying them of the non-prosecution agreement it signed with Jeffrey Epstein. The journal could only have related to issues about Ms. Giuffre's victimization, and thus even in the unrelated CVRA case, which Ms. Giuffre was not allowed to join, the journal was not relevant.

Beyond these problems for Defendant's argument here, in 2014 the only duty that Ms. Giuffre could have had would have been to the U.S. Attorney's Office. That Office presumably would have encouraged Ms. Giuffre to undertake whatever steps were needed to facilitate her healing from the terrible crimes Epstein and his co-conspirators inflicted on her. *See* 18 U.S.C. § 3771(a)(8) (requiring federal government to treat crime victims "with fairness and with respect for the victim's dignity and privacy"). Defendant's claim here necessarily requires that Defendant step into the Government's shoes to establish a breach of duty. Ms. Giuffre has

violated no duty she directly owed to the Government, and thus violated no duty she (arguably) indirectly owed to the Defendant.

### C. There Was No Willful Destruction of Evidence

An additional reason for denying the motion is that Ms. Giuffre lacked any “culpable” state of mind. “A party must have acted in bad faith – intentionally or willfully – in order to have a sufficiently culpable state of mind warranting an adverse inference . . . [which] may be met through ordinary negligence.” *See In re Methyl Tertiary Butyl Ether Prods. Liab. Litig.*, 643 F. Supp. 2d 482, 495-96 (S.D.N.Y. 2009) (denying sanctions) (internal quotations omitted). In burning her journal, in which she had written painful memories of repeated sexual abuse, Ms. Giuffre did not have a culpable state of mind, nor was she negligent. To the contrary, as Defendant conceded in her moving brief, Ms. Giuffre testified – at two depositions - that she burned her journal as a “spiritual” act of healing from her sexual abuse in an effort to move forward with life. Specifically, as Defendant notes, Ms. Giuffre testified, “I was burning like memories, thoughts, dreams that I had, just everything that was kind of affiliated with the abuse I endured”. *See* Schultz Decl. at Exhibit 2, January 16, 2016, Giuffre Dep. Tr. at 64:24-65:3. Ms. Giuffre also testified, “. . . it was not under the instruction of my lawyers to do this. My husband and I were pretty spiritual people and we believed that these memories were worth burning.” *See* Schultz Decl. at Exhibit 3, May 3, 2016, Giuffre Dep. Tr. at. 205:25-206:3.

Accordingly, Ms. Giuffre’s state of mind was that of a child sex abuse victim who later, in pain, attempted to achieve spiritual recovery by burning memories she had recently recorded of the sex abuse – abuse, it is worth recalling, she endured at the hands of Defendant and Epstein. Importantly, as Defendant concedes, this journal was not created at the time Defendant and Epstein subjected her to sexual abuse. (Q. “So you did not write this journal at the time it happened?” A. “No.” Q. “You started writing this journal approximately a decade after you

claim you finished being sexually trafficked, correct?” A. “Yes.” *Id.* at 206:16-22). Even if Ms. Giuffre contemplated any litigation having anything to do whatsoever with what was in that journal, she had no notice of any duty to preserve notes she had written as a healing exercise. Accordingly, Defendant’s motion fails for this reason as well.

**D. Defendant Cannot Show That the Journal Was Favorable to Her**

Ms. Giuffre did not act willfully (or even negligently in 2013) when she burned some memories she wrote down as a healing exercise from her childhood sexual abuse, an exercise undertaken long before becoming at all involved in any litigation, and long before Defendant defamed her. However, even if we assume that Ms. Giuffre was negligent (which she wasn’t), Defendant is only entitled to pursue relief if the materials destroyed were favorable to her case. Defendant cannot come close to meeting that burden.

“If the spoliating party has acted only negligently, the moving party can satisfy the final requirement of the spoliation analysis if it can show that the lost materials were relevant.” *In re Pfizer Inc. Securities Litigation*, 288 F.R.D. 297, 315 (S.D.N.Y. 2013) (denying sanctions).<sup>3</sup> “[T]he Court of Appeals has held that for the destroyed evidence to be ‘relevant’ it must be ‘more than sufficiently probative to satisfy Rule 401 of the Federal Rules of Evidence.’” *Id.* A party may establish relevance by “‘adduc[ing] sufficient evidence from which a reasonable trier of fact could infer that ‘the destroyed [or unavailable] evidence would have been of the nature alleged by the party affected by its destruction.’” *Id.* Put more succinctly, a plaintiff must present extrinsic evidence that tends to show that the destroyed documents would have been favorable to her case. *See Cedar Petrochemicals, Inc. v. Dongbu Chem. Co.*, 769 F. Supp. 2d 269, 292 (S.D.N.Y. 2011) (denying sanctions). Indeed, “relevance requires a showing beyond

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<sup>3</sup> The *Pfizer* Court applies a negligence standard which is applicable to the documents at issue here, should this Court find that any duty attaches, which it does not, as explained above.

the straightforward assertion that the opposing party has failed to produce requested information.” *Id.* at 293 (quoting *Orbit One Commc’ns. v. Numerex Corp.*, 271 F.R.D. 429, 440 (S.D.N.Y. 2010) (denying sanctions)).

Defendant fails to show that the materials are “relevant” – that is, that the writings in Ms. Giuffre’s journal would be favorable to Defendant. To the contrary, all evidence in the record indicates that this journal would be highly unfavorable to Defendant.

First, Ms. Giuffre has testified that it contains her recollections of her sex abuse, and Ms. Giuffre has testified that Defendant abused her:

Q. So you burned notes of the men with whom you had sex while you were represented by counsel in litigation, correct?

A. This wasn't anything that was a public document. This was my own private journal, and I didn't want it anymore. So we burned it.

*See* Giuffre May 3, 2016 Dep. Tr. at 206. Indeed, a contemporaneous document, the manuscript, stated the same thing:

Nobody ever stopped to ask if I was comfortable or if I wanted to stop, no, instead, Ghislane [sic] only directed me to conclude the massage session by climbing up on the table to be fixated on Jeffrey, straddling him so he could [EXPLICIT] me . . . Jeffrey moaned in pleasure and Ghislane [sic] started to undress me from behind. Within moments I was completely naked and Ghislane [sic] had her top off . . . she sure did act like she loved having the control over me telling me what to do throughout the entire threesome.

Manuscript at p. 25-26; 29 (GIUFFRE004158-4159). Accordingly, the evidence shows that the journal would implicate Defendant in sexual abuse.

The evidence does not end there. Documents created contemporaneously with Ms. Giuffre authoring the journal – documents produced to Ms. Giuffre *by a third party* – strongly indicate that the journal’s contents would be highly unfavorable to Defendant. Indeed, in the moving brief, Defendant recounts testimony that this journal was authored in 2011 and 2012. At the same time, in 2011, Ms. Giuffre received treatment for her past sex abuse from her

psychologist, Judith Lightfoot. Ms. Lightfoot's own records, *written in 2011*, describe Defendant as Ms. Giuffre's abuser:

. . . was approached by Ghislaine Maxwell who said she could help her get a job as a massage therapist . . . seemed respectable . . . was shown how to massage, etc., Geoff [sic] Epstein. Told to undress and perform sexual acts on person. Miss Maxwell promised her \$200 a job.

See Schultz Decl. at Exhibit 4, June 9, 2011 Lightfoot Records at GIUFFRE005437.

As the Court can see, the same year Ms. Giuffre wrote in her journal about the abuse she endured, she wrote a manuscript detailing that abuse, and *confided in her treating psychologist that Maxwell recruited her for sex with Epstein*. Therefore, the contemporaneous records evidence Defendant's guilt, and indicate that similar statements would be in Ms. Giuffre's journal. Accordingly, this journal would merely be cumulative with the volumes of other evidence showing Defendant's involvement in the sexual abuse of Ms. Giuffre.

Indeed, contemporaneous with Defendant's abuse in the 2000-2002 time period, Tony Figueroa testified that Virginia confided in him that Defendant required her to participate in threesomes with Defendant and Epstein during the time it happened:

Q. I guess my question is: Did she ever tell you that she had started as a regular masseuse for him and then transitioned to something other than a masseuse?

A. No. She never said that it transitioned. But she ended up explaining to me what had happened before, so...

Q. What has -- what is that?

A. That her and Ms. Maxwell and Jeffrey would obviously be doing stuff, all three of them together. Like I said, that they would all go out to clubs to pick up girls and try and find them to bring back for Jeffrey. And then she told me about how, like I said, her and Ms. Maxwell and Jeffrey were all intimate together on multiple occasions.

Q. When did she tell you this?

A. I'm not exactly sure on the dates.

Q. Was it while you were still together?

A. Yes.

Figueroa Dep. Tr. at 96:1-19.

When Defendant argues that the journal or the dream journal would be unfavorable to Ms. Giuffre, Defendant ignores these and other damning facts. Defendant, again, fails to cite any countervailing fact, fails to point to any other evidence, and quotes no other testimony to support her argument that the journals would somehow be favorable to her. Instead, Defendant engages in wild speculation upon a mere “supposition of bad faith.” *See* Motion at 12, second paragraph. Defendant does not attempt to cite any evidence to support these conspiracy theories, as Ms. Giuffre herself has described the contents of one her journal as memories of her sex abuse and the contents of the other “dream”<sup>4</sup> journal of her (literal) dreams (that they occurred while she was asleep). Defendant does not explain what the evidentiary value of a party’s dreams may have regarding a defamation claim, nor could she.

Accordingly, Defendant’s motion should fail for this reason as well – she cannot make any showing whatsoever (much less carry her burden of proof) that the journal would be favorable to her. And, she completely ignores the blindingly obvious fact that the journal would likely be, if anything, highly favorable to Ms. Giuffre, it would simply contain more documentation of Defendant’s involvement in sexual abuse.

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<sup>4</sup> Q. What do you do with those notes?

A. Nothing, literally nothing. They’re in a notebook that if I need to write it down. I have a dream notebook as well where I’ll just write down my dreams and stuff.

January 16, 2016, Giuffre Tr. at 195:15-19.



**E. No Alleged Spoliation in the Context of an Unrelated Claim Attaches to a Future Defamation Claim**

Yet another fatal problem for Defendant's motion is that it rests on the premise that Ms. Giuffre violated a duty to preserve evidence that arose in a *different case*. The attenuated chain of reasoning is that Ms. Giuffre's duty to preserve this journal with respect to *this* case arose in 2013, when she heard about *another* case – the CVRA case (long before she and her attorneys made the decision to attempt to join that litigation). However, Southern District of New York courts have rejected this very argument that a duty to preserve can arise from unrelated litigation. *See, e.g., In re Pfizer Inc. Securities Litigation*, 288 F.R.D. at 316 (holding no breach in duty to preserve where documents allegedly relevant to a previous litigation were not retained). In *Pfizer*, this Court explained:

I conclude that Pfizer's duty to preserve in this case arose in 2004, not in 2001. The 2001 lawsuit was a patent action related to the identification of the enzyme that led to the development of Celebrex and Bextra. As such, it raised different factual issues from the instant action and would not have given Pfizer reasonable notice of the foreseeability of this securities fraud litigation.

*Id.* at 316. Similarly, in 2013, Ms. Giuffre had not even made her application to join the CVRA case, a case that raises different factual issues from the instant action, namely, whether the United States District Attorney for the Southern District of Florida failed to discharge its statutorily-mandated duty to Epstein's victims upon entering into a plea agreement with Epstein. Ms. Giuffre's supposed 2013 contemplation of the CVRA litigation against the government under an unfamiliar federal victims' rights statute would not have given Ms. Giuffre (a non-lawyer who was not a party to that action) reasonable notice of the foreseeability of Ms. Maxwell defaming her on a global stage two years later. *Cf. Kraus v. Gen. Motors Corp.*, 03 Civ. 4467 (CM), 2007 WL 3146911, at \*2 (S.D.N.Y. Oct. 24, 2007) (McMahon, D.J.) (defendant was under no duty to preserve a car as evidence in products liability suit before complaint was filed

because it had not been previously notified of any injury that might reasonably lead to litigation and no litigation had been threatened); *Brigham Young Univ. v. Pfizer, Inc.*, 282 F.R.D. 566, 572 (D. Utah 2012) (rejecting argument that Pfizer’s duty to preserve extended back to earlier, unrelated litigations).

The *Pfizer* court further explained: “In addition, the duty to preserve only extends to documents relevant to the claim *of which the party has notice.*” *In re Pfizer Inc. Securities Litigation*, 288 F.R.D. at 317 (emphasis added). To the extent Ms. Giuffre’s 2011-2012 journal is somehow relevant to the claim at issue in this case, there was no duty to preserve because the defamation claim against Defendant did not arise until 2015 and the earlier case involved a different issue. Similarly, Defendant makes no showing that Ms. Giuffre had possession of the dream journal during 2015, nor that it is relevant such that any duty attaches to it.

#### **F. Defendant Can Show No Prejudice and She Has the “Best Evidence”**

Still another fatal problem for Defendant’s argument is that she has received substantial information parallel to the journal Ms. Giuffre kept. Defendant has thus suffered no prejudice. As the Court is aware from previous discovery motions, Ms. Giuffre has produced a vast amount of material in this matter, including materials from the time of her abuse and from the time she kept her journal. Of particular note are a 141-page draft manuscript she wrote in 2011, around the same time as the journal, as well as numerous e-mail communications, and even pictures and travel receipts from the years 2000-2002. Of course, the materials from 2000-02 (photos, travel records, flight logs, etc.) were all created contemporaneously with Ms. Giuffre’s abuse, and would thus serve as the “best evidence” of what was happening then. (The Court will no doubt recall Defendant’s failing memory concerning events that happened at that time, such as Defendant’s failure to be able to recollect even one of the 23 flights on which she is listed as having traveled with Epstein and Ms. Giuffre, during the time Ms. Giuffre was a minor child.)

Even turning to the later time period when Ms. Giuffre wrote her journal, Defendant has better records than the journal which she can review – .e.g., the psychological records specifically naming the Defendant as involved in Ms. Giuffre’s sexual abuse and Ms. Giuffre’s 141-page manuscript. Against this backdrop of many other available materials, the burned journal is obviously nothing more than cumulative corroborating evidence.

Second, with regard to Defendant’s second, fallback argument regarding the dream journal (which Ms. Giuffre has diligently searched for but been unable to locate), nothing suggests it contains any relevant content. Perhaps Defendant is going to argue that Ms. Giuffre’s dreams are somehow inconsistent with her sworn testimony, but this would be pseudo-science that has no place before the jury. *Cf.* SIGMUND FREUD, *THE INTERPRETATION OF DREAMS* (1889) (developing theory of the unconscious with respect to dream interpretation). Defendant’s brief gives no hint as to what purpose notes about dreams could have in this litigation. *Cf. United States v. Aleshire*, 2014 WL 11394905, at \*6 (W.D. Wis. Oct. 20, 2014) (“dreams themselves, however, would not be admitted”). In any event, Ms. Giuffre diligently attempted to locate these notes but could not find them. *Cf. Treppel v. Biovail Corp.*, 233 F.R.D. 363, 374 (S.D.N.Y. 2006) (“Even in a case involving exclusively hard copy documents, there is no obligation on the part of a responding party to examine every scrap of paper . . . Rather, it must conduct a diligent search, which involves developing a reasonably comprehensive search strategy.”). And there is no evidence that the dream journal was lost during (or even shortly before) the pendency of this litigation.

If anything, Defendant’s argument about the dream notes shows how far afield she had to go from the core issues in this case. Recall the basic outlines of this case: Ms. Giuffre filed a court document alleging that she had been sexually abused by Defendant and others. Defendant

called Ms. Giuffre a liar. Ms. Giuffre then filed this defamation suit, alleging that her allegations of sexual abuse were true. Ms. Giuffre gave her sworn testimony that the allegations were true and deposed multiple witnesses who supported her position. On the other hand, Defendant gave her sworn testimony that she, quite conveniently, could not remember the important events of the time (such as flying on 23 flights with Ms. Giuffre as a minor child and Epstein). Having failed to remember the critical events – and having failed to produce important documents about these events<sup>5</sup> – Defendant propounded extensive discovery to Ms. Giuffre, to which Ms. Giuffre has diligently attempted to respond. Now, as the trial for this case is approaching, Defendant has filed a last ditch motion to dismiss, claiming that Ms. Giuffre’s missing notes of her dreams are somehow such critical information that the defamation case should be dismissed. To simply describe the argument is to show how far-fetched Defendant’s position has become. The Court should deny this frivolous motion and prepare to try this case on March 13, 2017.

### III. CONCLUSION

The Defendant’s motion for sanctions due to Ms. Giuffre’s destruction of materials for entirely benign reasons, long before this litigation ever arose, should be denied in its entirety.

---

<sup>5</sup> A conveniently failing memory is not the only way in which Defendant has kept evidence of involvement in sexual abuse from being discovered. The day that the Palm Beach Police executed the warrant on Defendant and Epstein’s home, Defendant called the housekeeper and told her not to come in that morning. See Schultz Decl. at Exhibit 5, Louella Rabuyo’s October 20, 2009 Dep. Tr. at 9; 11; 81-82. Once the police arrived, they found that the computers had been ripped out of their places, leaving the monitors, mice, keyboards, and wires behind. See Schultz Dec. at Composite Exhibit 6, Police Report at p. 63, GIUFFRE000064; Recarey Dep. Tr. 72:25-73:18. This Court is also aware of multiple events triggering Defendant’s duty to preserve documents. For example, Defendant avoided her 2009 deposition in a case concerning Epstein by falsely claiming to be out of the country (she was, instead, photographed at Chelsey Clinton’s New York wedding). Additionally, in her Motion to Dismiss, Defendant claimed that in both 2011 and 2015, she anticipated bringing litigation against tabloids. Defendant has not produced documents that she should have preserved pursuant to the police investigation, the 2009 litigation, and her purported anticipated suits against the press as recently as 2015. And, on top of all this, the Court is aware of the Defendant’s failure to produce discovery, which lead to sanctions as ordered in November.

Dated: December 16, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Meredith Schultz

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---

<sup>6</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 16th day of December, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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/s/ Meredith L. Schultz  
Meredith L. Schultz

**United States District Court  
Southern District of New York**

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

---

**DECLARATION OF MEREDITH SCHULTZ IN SUPPORT OF PLAINTIFF'S  
RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR SANCTIONS**

I, Meredith Schultz, declare that the below is true and correct to the best of my knowledge as follows:

1. I am an associate with the law firm of Boies, Schiller & Flexner LLP and duly licensed to practice in Florida and before this Court pursuant to this Court's Order granting my Application to Appear Pro Hac Vice.

2. I respectfully submit this Declaration in Support of Plaintiff's Response In Opposition To Defendant's Motion For Sanctions.

3. Attached hereto as Sealed Exhibit 1 is a true and correct copy of September 2, 2008, Victim Notification Letter (GIUFFRE001203-GIUFFRE001205).

4. Attached hereto as Sealed Exhibit 2 is a true and correct copy of Excerpts of January 16 2016, Deposition of Virginia Giuffre.

5. Attached here to as Sealed Exhibit 3 is a true and correct copy of Excerpts from May 3, 2016, Deposition of Virginia Giuffre.

6. Attached hereto as Sealed Exhibit 4 is a true and correct copy of June 9, 2011 Records from Dr. Judith Lightfoot (GUIFFRE005437).



7. Attached hereto as Sealed Exhibit 5 is a true and correct copy of Excerpts from October 2009, Deposition of Louella Rabuyo.

8. Attached hereto as Sealed Composite Exhibit 6 are true and correct copies of Palm Beach Police Report (GIUFFRE000064) and Excerpts from June 21, 2016 Deposition of Detective Joseph Recarey.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Meredith Schultz  
Meredith Schultz, Esq.

Dated: December 16, 2016.

Respectfully Submitted,

By: /s/ Meredith Schultz  
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Meredith Schultz (Pro Hac Vice)  
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---

<sup>1</sup> This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 16th day of December, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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[jpagliuca@hmflaw.com](mailto:jpagliuca@hmflaw.com)

/s/ Meredith Schultz  
Meredith Schultz

**EXHIBIT 5**  
**(FILE UNDER SEAL)**

09 - 20783

**Condensed Transcript**

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CIVIL DIVISION

L.M.,

Plaintiff,

vs.

CASE No.  
502008CA028051XXXXMB AB

JEFFREY EPSTEIN,

Defendant.  
~~~~~

**DEPOSITION OF
LOUELLA RABUYO
VOLUME I**

October, 20, 2009
10:10 a.m.

515 N. Flagler Drive
Suite 200-P
West Palm Beach, Florida 33401

Reported By: Teresa Whalen, RPR, FPR, Notary Public, State of Florida



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| | |
|---|---|
| <p style="text-align: center;">9</p> <p>1 head or shake your head, and she can't take that down.</p> <p>2 A All right.</p> <p>3 Q It's also very easy to say uh-huh or huh-uh,</p> <p>4 but it kind of looks the same on paper, so you can't do</p> <p>5 that either. I'm going to wait until you finish your</p> <p>6 answer, and you have to wait until I finish my question,</p> <p>7 because if we talk over one another, then the court</p> <p>8 reporter can't get it down.</p> <p>9 A Okay. Yes, sir.</p> <p>10 Q All right. So if you don't understand the</p> <p>11 question, tell me you don't understand and I'll try to</p> <p>12 ask a better question.</p> <p>13 A Yes.</p> <p>14 Q Okay. So you were hired in November of 2004</p> <p>15 to be the housekeeper for Mr. Epstein?</p> <p>16 A Yes.</p> <p>17 Q And when you were hired, who exactly hired</p> <p>18 you, who -- let me strike that.</p> <p>19 When you were hired to be the housekeeper for</p> <p>20 Mr. Epstein, who did you interview with?</p> <p>21 A Ms. Maxwell.</p> <p>22 Q Is that Ghislaine Maxwell or just</p> <p>23 Laine Maxwell?</p> <p>24 A Ghislaine Maxwell.</p> <p>25 Q And where did the interview take place?</p> | <p style="text-align: center;">11</p> <p>1 that it's clean and appropriately, what's this...</p> <p>2 Q And as I understand this property, there is a</p> <p>3 main house and then there's also a staff house on the</p> <p>4 property; is that right?</p> <p>5 A Yes, sir.</p> <p>6 Q And when the guests would come over, would you</p> <p>7 stay in the main house, or would you go to the staff</p> <p>8 house?</p> <p>9 MR. REINHART: Can we get a time frame to the</p> <p>10 question?</p> <p>11 BY MR. EDWARDS:</p> <p>12 Q Over the last five years while you worked</p> <p>13 there.</p> <p>14 A I usually stay in the staff house and do the</p> <p>15 laundry, then I go to the kitchen and then tidy the</p> <p>16 kitchen.</p> <p>17 Q You were hired in November of 2004, and what</p> <p>18 were your hours that you worked there back in November</p> <p>19 of 2004 when you were hired?</p> <p>20 A Eight to five.</p> <p>21 Q How many days a week?</p> <p>22 A Depends.</p> <p>23 Q How would the schedule be relayed to you?</p> <p>24 A When Mr. Epstein is there, then I'm supposed</p> <p>25 to report, but usually it's five days a week.</p> |
| <p style="text-align: center;">10</p> <p>1 A At 358 El Brillo Way.</p> <p>2 Q And what did Ms. Maxwell and you speak about</p> <p>3 prior to your being hired as the housekeeper?</p> <p>4 A My duties.</p> <p>5 Q And what did she tell you your duties would</p> <p>6 be?</p> <p>7 A To tidy, to make beds, do laundry.</p> <p>8 Q Did she tell you what would take place in the</p> <p>9 house on a day-to-day basis?</p> <p>10 A No.</p> <p>11 Q So going into that position, you had no idea</p> <p>12 who the guests would be or who the people coming in the</p> <p>13 house would be, or what would generally go on?</p> <p>14 A Can you simplify the question?</p> <p>15 Q Sure. When you talked about with</p> <p>16 Ghislaine Maxwell at this interview, your duties being</p> <p>17 you would make the bed and tidy up, did she also tell</p> <p>18 you that there would be a lot of guests, there would be</p> <p>19 a few guests, did she talk to you about that at all?</p> <p>20 A She mentioned that if there are guests, we</p> <p>21 have to, like, you know, prepare the room, and, what's</p> <p>22 this, attend to the guests.</p> <p>23 Q And what did you understand that to mean that</p> <p>24 you have to attend to the guests?</p> <p>25 A You have to prepare the room and see to it</p> | <p style="text-align: center;">12</p> <p>1 Q So am I correct in understanding that there</p> <p>2 was one schedule when Mr. Epstein was in town, and the</p> <p>3 schedule may be a little bit different if Mr. Epstein</p> <p>4 was out of town?</p> <p>5 A Yes, sir.</p> <p>6 Q All right. Tell me the differences when</p> <p>7 Mr. Epstein is in town versus when Mr. Epstein was not</p> <p>8 in town.</p> <p>9 A If he stays like three or four days, then I'm</p> <p>10 supposed to be there, and then the house is to be</p> <p>11 cleaned. And then when they do not come, then I can</p> <p>12 either go there, or I'm given free days off.</p> <p>13 Q Three days off?</p> <p>14 A No. A free day.</p> <p>15 Q Oh, okay. But typically back in 2004 when you</p> <p>16 were hired, you worked an average of about five days a</p> <p>17 week; is that correct?</p> <p>18 A Yes.</p> <p>19 Q All right. And I guess by the way that you're</p> <p>20 explaining it, if Mr. Epstein was in town for a longer</p> <p>21 period of time, you may work more than five days, and if</p> <p>22 Mr. Epstein was not in town, you may work less than five</p> <p>23 days?</p> <p>24 A Yes.</p> <p>25 Q Okay. Did you ever talk to Mr. Epstein prior</p> |



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| | |
|--|---|
| <p style="text-align: center;">81</p> <p>1 A When I came back to report, that's how I</p> <p>2 learned.</p> <p>3 Q Elaborate on that for me. What do you mean,</p> <p>4 when you came back to report that's how I learned?</p> <p>5 A I reported in the afternoon, and then that's</p> <p>6 how I learned that the police came.</p> <p>7 Q All right. And when were you -- you're now</p> <p>8 saying you came back to report and you learned that the</p> <p>9 police had already come to the house, right?</p> <p>10 A Yes, sir.</p> <p>11 Q Prior to that occasion, when was the previous</p> <p>12 time that you were at the house?</p> <p>13 A The day before.</p> <p>14 Q Okay. And the day before you left your shift</p> <p>15 at roughly five o'clock?</p> <p>16 A I cannot remember. I usually leave 5:00 or</p> <p>17 5:30.</p> <p>18 Q But sometime late in the afternoon?</p> <p>19 A Yes.</p> <p>20 Q And as of that time, the day before the search</p> <p>21 warrant was issued, you had seen no police officers in</p> <p>22 or around the house?</p> <p>23 A No.</p> <p>24 Q And then the next day you reported to the job</p> <p>25 at what time?</p> | <p style="text-align: center;">83</p> <p>1 Q So are we talking about the day the police</p> <p>2 went to Jeffrey Epstein's house you did not go in the</p> <p>3 morning, but you went after lunch and the police had</p> <p>4 already left?</p> <p>5 A Oh. No. When I went there nobody was there,</p> <p>6 no policemen were around.</p> <p>7 Q Who was at the house then?</p> <p>8 A Janusz, and Douglas, the architect.</p> <p>9 Q Schoettle?</p> <p>10 A Yes.</p> <p>11 Q And did you have a discussion with them?</p> <p>12 A No.</p> <p>13 Q How did you know the police had been to the</p> <p>14 house?</p> <p>15 A Janusz told me.</p> <p>16 Q When?</p> <p>17 A When I arrive.</p> <p>18 Q That's what I was asking you when I said did</p> <p>19 you have a discussion with them, meaning Janusz and</p> <p>20 Douglas.</p> <p>21 A Okay. Being because them -- with Janusz only.</p> <p>22 Q What did he say?</p> <p>23 A He said the police came and, what's this, took</p> <p>24 away some stuff.</p> <p>25 Q Did he say what they took?</p> |
| <p style="text-align: center;">82</p> <p>1 A The next day?</p> <p>2 Q The next day.</p> <p>3 A I report in the afternoon.</p> <p>4 Q Was there a reason why you reported in the</p> <p>5 afternoon?</p> <p>6 A Ms. Maxwell called me.</p> <p>7 Q When did she call you?</p> <p>8 A During that day, she said Louella, you can</p> <p>9 report in the afternoon.</p> <p>10 Q She called you early in the morning?</p> <p>11 A Not early.</p> <p>12 Q Normally you would report to the house between</p> <p>13 eight and nine o'clock, right?</p> <p>14 A Yes, sir.</p> <p>15 Q So in order for you not to arrive at the</p> <p>16 house, she had to have called you before eight or</p> <p>17 nine o'clock, right?</p> <p>18 A Yes.</p> <p>19 Q Okay. So approximately what time does</p> <p>20 Ms. Maxwell call you to tell you you can report to the</p> <p>21 house later on that day?</p> <p>22 A I cannot remember really the time.</p> <p>23 Q Okay. What time did you actually report to</p> <p>24 the house?</p> <p>25 A After lunch, about -- maybe after lunch.</p> | <p style="text-align: center;">84</p> <p>1 A He said pictures.</p> <p>2 Q Did he tell you which pictures?</p> <p>3 A No, sir.</p> <p>4 Q Aside from pictures, what else did the police</p> <p>5 take, as Janusz told you?</p> <p>6 A He did not elaborate.</p> <p>7 Q All right. Prior to the police going to the</p> <p>8 house and taking pictures, do you remember seeing</p> <p>9 pictures around Mr. Epstein's house?</p> <p>10 A Yes.</p> <p>11 Q Do you remember seeing pictures of naked or</p> <p>12 nude females around Mr. Epstein's house?</p> <p>13 A Not around, in his closet.</p> <p>14 Q In Mr. Epstein's closet you would see --</p> <p>15 describe what you would see related to females in</p> <p>16 pictures.</p> <p>17 A Some have topless.</p> <p>18 Q Is this a big closet?</p> <p>19 A No. Not really big, it's just this big, not</p> <p>20 so big.</p> <p>21 Q Okay. Were these pictures that could be seen</p> <p>22 by -- strike that.</p> <p>23 Do you know of any other pictures of females</p> <p>24 that were confiscated by the police that did not come</p> <p>25 from Mr. Epstein's closet?</p> |



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COMPOSITE
EXHIBIT 6
(FILE UNDER SEAL)

Date: 7/19/06
Time: 15:01:37

PALM BEACH POLICE DEPARTMENT
Incident Report

Page: 63
Program: CMS301L

Case No. : 1-05-000368

(Continued)

***** N A R R A T I V E # 27 *****
IA Reported By: KRAUEL, CURTIS D. 12/21/05
Entered By: ALTOMARO, NICKIE A. 12/21/05

On Thursday, October 20, 2005 at approximately 0936 hours, I assisted in the execution of a search warrant located at 358 El Brillo Way, Palm Beach, Florida, residence of Jeffrey Epstein. I was instructed by Case Agent Det. Joseph Recarey, to secure all computer and media related material from the residence.

Upon my arrival I was directed by Det. Recarey to a room designated as the Kitchen Staff Office. I observed a, Silver in color, CPU with the left side cover removed, exposing the CPU's hardware sitting on floor next to a glass type desk. The CPU had no discernable identifiers or features indicating a make or model. This CPU was powered off with the power cord not plugged in. The keyboard and mouse were atop the CPU. It should be noted that the CPU was not connected to a monitor, printer, or other media device. On the back Panel of the CPU, I observed an A/V card with RCA jacks attached. This type of hardware would allow audio and video to be downloaded onto the CPU's hard disk. The ends of the RCA jacks were unattached at the time of the search and no external camera was located within this room.

The CPU was located on the right side of a desk that held a flat panel LCD screen. The desk also held another keyboard and mouse, indicative of a second computer; however, no other computer was found. It appeared as though a second computer had been recently removed as the cables ends from the monitor, keyboard and mouse were in the same area. A further search of the room revealed no media storage devices, i.e. CD s, Floppy Disks, Zip Disks, etc. This type of media is commonly stored in an area where computers are placed, yet no media was found.

After completing a search of this room, I secured the CPU and turned all items over to the Evidence Custodian for future forensic analysis via a property receipt.

I was then directed by Det. Recarey to a room designated as the Garden Room, where I observed a wooden desk facing west. The desk held a flat screen LCD monitor, keyboard, mouse, media card reader and printer; however, no CPU was located. All of the cables were removed from an area where a computer had once been. A search of the desk area revealed no signs of any media devices.

Det. Recarey directed me to a third location designated as the Cabana room, which is detached from the residence and located just south of the pool. In the South East corner of the room, I observed an office type setting, with an L-shaped desk holding a flat screen LCD monitor, keyboard, mouse and printer; however, no CPU was located. All of the cables were removed from an area where a computer had once been. A search of the desk area revealed no signs of any media devices.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

-----X

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

GHISLAINE MAXWELL,

Defendant.

-----X

June 21, 2016

9:17 a.m.

C O N F I D E N T I A L

Deposition of JOSEPH RECAREY, pursuant
to notice, taken by Plaintiff, at the
offices of Boies Schiller & Flexner, 401
Las Olas Boulevard, Fort Lauderdale, Florida,
before Kelli Ann Willis, a Registered
Professional Reporter, Certified Realtime
Reporter and Notary Public within and
for the State of Florida.

1 JOSEPH RECAREY - CONFIDENTIAL

2 THE WITNESS: Correct.

3 BY MR. EDWARDS:

4 Q. And let me go back to the beginning six
5 pages of that exhibit, No. 4.

6 MR. PAGLIUCA: Why don't we just make a
7 copy of it now if we're going to ask questions
8 about it? I'm not trying to --

9 MR. EDWARDS: Yes, I know. It's just the
10 first six pages.

11 (A discussion was held off the record,
12 after which the following proceedings were
13 held:)

14 THE VIDEOGRAPHER: On the record at 10:32.

15 BY MR. EDWARDS:

16 Q. And what were some of the items that were
17 found in -- well, are the documents that you're
18 holding, 1 through 6, an accurate reflection of the
19 items that were found in Jeffrey Epstein's home
20 during the search warrant execution?

21 MR. PAGLIUCA: Object to form and
22 foundation.

23 THE WITNESS: Yes.

24 BY MR. EDWARDS:

25 Q. And I believe that you described that some

1 JOSEPH RECAREY - CONFIDENTIAL

2 of the -- that the house appeared to be -- I don't
3 remember the word you used -- sanitized, for lack of
4 a better word?

5 MR. PAGLIUCA: Object to form and
6 foundation.

7 BY MR. EDWARDS:

8 Q. How did you know that?

9 A. The computers had been removed from the
10 home.

11 Q. How did you know the computers were
12 removed?

13 A. Based on -- based on the dangling wires
14 left behind, the monitors left, but the actual CPU
15 of it was missing.

16 When you went into the bedroom of Jeffrey
17 Epstein, everything was removed from the -- the
18 shelves, from the armoire.

19 Q. Did you find nude photographs of girls?

20 A. Yes.

21 Q. All right.

22 And what did you do with that evidence?

23 A. That was collected and placed into our
24 crime scene unit.

25 Q. And where is that evidence today?

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VIRGINIA L. GIUFFRE,
Plaintiff,
v.
GHISLAINE MAXWELL,
Defendant.
-----X

15-cv-07433-RWS

**DEFENDANT'S MOTION *IN LIMINE* TO EXCLUDE *IN TOTO* CERTAIN
DEPOSITIONS DESIGNATED BY PLAINTIFF FOR USE AT TRIAL**

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Defendant Ghislaine Maxwell (“Ms. Maxwell”) hereby moves to in *limine* to exclude *in toto* certain depositions designated by Plaintiff for use at trial, specifically those of Alfredo Rodriguez, Jeffrey Epstein, [REDACTED] and Dr. Phillip Esplin. She simultaneously files her specific objections to portions of these and other depositions designated by Plaintiff. She further states as follows:

INTRODUCTION

Plaintiff has filed deposition designations for 14 witnesses for use in her case in chief at trial. With respect to four of the witness, the use of their deposition testimony must be precluded entirely pursuant to Fed. R. Civ. P. 32 and Fed. R. Evid. 804(b)(1) because either (a) the witnesses are not unavailable and/or (b) the requirements for use of deposition in lieu of live testimony cannot be met. As separately filed in her specific objections, with respect to the remaining ten (10) witnesses, the Federal Rules of Evidence require portions or all of the designated testimony to be excluded.

I. PLAINTIFF CANNOT SATISFY THE LEGAL REQUIREMENTS FOR USE OF CERTAIN DEPOSITIONS AT TRIAL

The use of deposition at trial is governed by Fed. R. Civ. P. 32. Under that rule, Plaintiff must establish the following to use all or part of any deposition at trial:

(a) Using Depositions.

(1) *In General*. At a hearing or trial, all or part of a deposition may be used against a party on these conditions:

(A) the party was present or represented at the taking of the deposition or had reasonable notice of it;

(B) it is used to the extent it would be admissible under the Federal Rules of Evidence if the deponent were present and testifying; *and*

(C) the use is allowed by Rule 32(a)(2) through (8).

To affirmatively offer evidence in her case in chief through deposition testimony under Rule 32(a)(4), the plaintiff must establish that the witness is unavailable. Specifically, the rule provides:

(4) *Unavailable Witness*. A party may use for any purpose the deposition of a witness, whether or not a party, if the court finds:

- (A) that the witness is dead;
- (B) that the witness is more than 100 miles from the place of hearing or trial or is outside the United States, unless it appears that the witness's absence was procured by the party offering the deposition;
- (C) that the witness cannot attend or testify because of age, illness, infirmity, or imprisonment;
- (D) that the party offering the deposition could not procure the witness's attendance by subpoena; or
- (E) on motion and notice, that exceptional circumstances make it desirable—in the interest of justice and with due regard to the importance of live testimony in open court—to permit the deposition to be used.

Fed. R. Evid. 804(b)(1) echoes this requirement, providing an exception to the hearsay rule for use of deposition testimony only when a witness is unavailable.

A. Jeffrey Epstein and Rinaldo Rizzo Are Not Unavailable

Plaintiff has made deposition designation based on the alleged “understanding that [witnesses] are not able to appear live to provide trial testimony.” With respect to Jeffrey Epstein and Rinaldo Rizzo, she offered no basis for her claim that these two witnesses are not able to appear live to provide testimony. Both witnesses reside within 100 miles of the courthouse at which the trial is to be held, and she has neither articulated nor argued any other basis for a finding of “unavailability.” Indeed, no such argument could be maintained.¹ “[D]eposition testimony is only a substitute, not to be resorted to if the witness can appear in person.” *Banks v. Yokemick*, 144 F. Supp. 2d 272, 288 (S.D.N.Y. 2001). Plaintiff's own investigator has stated in his affidavit regarding attempted service of the deposition subpoena on Mr. Epstein that he has three known addresses in New York, including his permanent residence, all of which are within 100 miles of the courthouse. See ECF No. 161, Ex. 4. The fact that Mr.

¹ The remaining fact witnesses for whom Plaintiff has designated deposition testimony reside outside the 100-mile radius, and therefore may be unavailable under 32(a)(4). Defendant reserves all rights to object to use of any deposition testimony should the availability of such witness change.

Epstein will invoke the Fifth Amendment, if permitted by this Court, does not constitute exceptional circumstances that would permit use of his deposition at trial. *Id.*

Likewise, Mr. Rizzo, who lives in North Salem, New York, was served with a deposition subpoena in New York, and his deposition was conducted in New York, all within 100 miles of the courthouse. *See* Menninger Decl. Ex. A 2:2-4:18 (Rizzo Dep.) There is no basis to claim that either of these witnesses cannot be procured for trial through subpoena, nor is there any indication that Plaintiff has unsuccessfully attempted to issue such subpoenas.

Having failed to establish the essential element of unavailability, Mr. Epstein and Mr. Rizzo's depositions cannot be used affirmatively as evidence at trial and all such testimony is hearsay – an out of court statement offered for the truth of the matter – to which no exception or exclusion applies under Federal Rules of Evidence 804(a) and (b)(1).

B. As a Retained Expert, Phillip Esplin Cannot Be Deemed Unavailable

Phillip Esplin is a rebuttal expert, retained by the Defendant in rebuttal of the improper credibility opinions offered by Plaintiff's experts Dr. Gilbert Kliman and Professor Terry Coonan, both of which are subject to pending motions *in limine*. Plaintiff has attempted to designate portions of Dr. Esplin's deposition for use in her case in chief. All of the proposed testimony concerns matters which were outside of the scope of Dr. Esplin's opinion, as discussed in more detail below. As a preliminary matter, however, the attempt to introduce the deposition testimony of Dr. Esplin is improper under Second Circuit law because, as an expert, he is not deemed unavailable simply because he resides outside of the 100-mile radius of the courthouse. Rather, in the Second Circuit, to use the deposition or other sworn testimony of an expert based on alleged unavailability of that expert, the Plaintiff must prove that 1) she attempted to secure the voluntary attendance of the witness, and 2) that no similar expert is available.

The Second Circuit first addressed this issue in *Carter-Wallace, Inc. v. Otte*, 474 F.2d 529, 536 (2d Cir. 1972). In that case, Judge Friendly observed that “there is something unusual about the use of the prior testimony of an expert witness that calls for further scrutiny of his unavailability.” 474 F.2d at 536 (citations omitted). As a result, this Circuit imposed two additional requirements on parties seeking to offer prior expert testimony at trial. First, the proponent of the prior expert testimony must “attempt to secure the voluntary [trial] attendance of a witness who lives beyond the subpoena power of the court.” *Id.* at 536. The reason for this additional requirement is that “unlike the typical witness whose involvement with the case may depend on the fortuity of his observing a particular event and whose presence at trial is often involuntary, a party ordinarily has the opportunity to choose the expert witness whose testimony he desires and invariably arranges for his presence privately, by mutual agreement, and for a fee.” *Id.*

Second, “before former testimony of an expert witness can be used, there should be some showing, not only that the witness is unavailable, but that no other expert of similar qualifications is available or that the unavailable expert has unique testimony to contribute.” *Id.* at 536-37. The reason for this additional requirement is that, unlike an ordinary fact witness, “the expert witness generally has no knowledge of the facts of the case. . . . Thus, even if one particular expert is unavailable. . . there will usually be other experts available to give similar testimony orally.” *Id.* at 536. In sum, under *Carter-Wallace*, prior expert testimony is only admissible in the place of live expert testimony if the proponent of the testimony tries to secure the expert’s voluntary attendance and demonstrates that no similar expert is available. These judicially-created requirements have been applied in addition to the requirements of Fed. R. Evid. 804(b)(1) and Fed. R. Civ. P. 32. Plaintiff has failed to demonstrate that either of these

requirements have been met, mandating that the designated portions of Dr. Esplin's testimony should be ruled inadmissible at trial. *Id.*; see also *Aubrey Rogers Agency, Inc. v. AIG Life Ins. Co.*, 2000 WL 135129 (D. Del. 2000) (finding expert deposition testimony inadmissible where there was nothing in the record to indicate that the proponent had made any effort to secure the expert's attendance at trial or had even contacted the expert to "offer him his usual expert witness fee, and request his attendance at trial").

II. TESTIMONY IN WHICH WITNESS REFUSED TO RESPOND TO QUESTIONS POSED IS IRRELEVANT, MORE PREJUDICIAL THAN PROBATIVE, AND MUST BE EXCLUDED FROM TRIAL

Plaintiff designates the deposition testimony of three witnesses who refused to or could not respond to the questions posed to them. The first, Mr. Epstein, invoked his Fifth Amendment right against self-incrimination. The second, [REDACTED] was reluctant to be deposed and failed to answer questions based on lack of memory, repeatedly stating that she was unable to respond to the questions posed. The third, Dr. Phillip Esplin, explained repeatedly that he could not respond to the questions posed because they were outside the scope of his opinion and there was insufficient information in the record to permit response. All of this testimony is irrelevant, more prejudicial than probative and must be excluded.

A. Jeffrey Epstein

As the Court is aware, Jeffrey Epstein was compelled to sit for a deposition during which he invoked his Fifth Amendment rights as to each and every question posed to him by counsel for both Plaintiff and the Defendant. Both Plaintiff and Defendant have motions pending to require Mr. Epstein to respond fully to questions. If these motions are granted, the current deposition in which no questions were answered is irrelevant. Only actual questions that eventually are answered should be presented to the jury, subject to other rules of admissibility, including whether Plaintiff can establish that Mr. Epstein is unavailable to testify live at trial.

Because of his invocation of his Fifth Amendment right to remain silent, there actually is no deposition *testimony* to designate. Each designation reflects a leading question by Plaintiff's counsel (which is improper on direct examination, FRE 611(c)), followed by Mr. Epstein's one word response – "Fifth." Of course, Plaintiff's counsel's questions are not testimony. Mr. Epstein's responses have no "tendency to make a fact more or less probable than it would be without the evidence"; the answer to the questions is a non-answer, and the answer could be yes, no or something entirely different.

Moreover, with respect to many of the unanswered questions, they do not relate to any "fact [] of consequence in determining the action." Fed. R. Evid 401. By way of one limited example, Plaintiff designated the following leading question and non-answer: "Q. In June 2008, in open court, you pled guilty to two Florida State felonies, correct? A. Fifth." The investigation and ultimate plea deal reached by Mr. Epstein bears absolutely no relevance to this case. As the investigating detective, Joseph Recarey testified, Ms. Maxwell was not the subject of the investigation in 2005 and 2006, was not identified in the probable cause affidavit, and was not a subject of the grand jury proceedings against Mr. Epstein. Menninger Decl. Ex. B, 203:4-25; 210:24-212:6. Moreover, Plaintiff voluntarily departed this country three years prior to the investigation, was not identified as a witness in the investigation nor was she interviewed by the investigators. Id. 259:17-25. Simply put, the investigation of Mr. Epstein, which resulted in his indictment and plea deal, have nothing to do with either the Plaintiff or the Defendant in this action, and have no bearing on any fact that is of consequence in this case. This one limited example demonstrates the completely irrelevant inquiry put to Mr. Epstein. As such, the designated testimony fails the relevance standards of Fed. R. Evid. 401, is not admissible under Fed. R. Evid. 402, and certainly is more prejudicial than probative under Fed. R. Evid. 403.

Likewise, the designated invocation testimony of Mr. Epstein violates the requirements of Fed. R. Evid. 403, as any probative value of the testimony is outweighed by unfair prejudice, confusion of the issues, will tend to mislead the jury, cause undue delay, waste time, and present cumulative evidence. To permit this testimony, which in fact reflects only Plaintiff's attorney presenting prejudicial and unproven statements in the form of unanswered questions, serves only one purpose which is to confuse the jury by claiming that the failure to answer the questions must mean the answer is harmful to both Mr. Epstein *and* to Ms. Maxwell. In truth, and as Ms. Maxwell has stated in her pending motion to compel, Mr. Epstein's truthful answers to the questions posed by both parties would in fact vindicate Ms. Maxwell, proving that Ms. Maxwell's press statement were substantially true. Even allowing the reading of the designated testimony will, without question, confuse the jury by leading them to believe that there is some evidentiary value to the questions, causing significant and incurable prejudice to Ms. Maxwell.

It is apparent that Plaintiff intends to request that the Court instruct the jury that it may draw an adverse inference against Ms. Maxwell based on Jeffrey Epstein, a non-party witness's, invocation of the Fifth Amendment. Such an adverse inference is impermissible in this case.

Under Fed. R. Evid. 501 and this Court's prior rulings, New York State law governs the privilege law in this case. *See* ECF No. 135. Under New York law, the general rule is that a non-party's invocation of the Fifth Amendment privilege cannot be used as to create an adverse inference against a party. *Access Capital, Inc. v. DeCicco*, 302 A.D.2d 48, 52 (2002) ("the privilege being personal, the consequences are limited to the witness that invokes it. Thus, where the privilege is asserted by a nonparty witness, no adverse inference may be drawn") (citing *State v. Markowitz*, 273 A.D.2d 637, 646 (2000)).

In New York, there are two exceptions to this general rule: 1) where the non-party witness is an alter ego of a party; and 2) when a party controls the non-party material witness and could force them to testify. *Andrew Carothers, M.D., P.C. v. Ins. Companies Represented by Bruno, Gerbino & Soriano, LLP*, 26 Misc. 3d 448, 461-62, 888 N.Y.S.2d 372 (Civ. Ct. 2009):

While it is true that an adverse inference may not generally be drawn against a party when a nonparty asserts the privilege (*see Access Capital v DeCicco*, 302 AD2d 48, 52 [1st Dept 2002]; *State of New York v Markowitz*, 273 AD2d 637, 646 [3d Dept 2000], *lv denied* 95 NY2d 770 [2000]), the courts in this state have recognized several exceptions to this rule One of these exceptions deals with the situation where a corporate employee, who is the alter ego of his or her corporate employer, refuses to testify on Fifth Amendment grounds.

. . .

The second of these exceptions deals with the situation when the nonparty who asserts his or her Fifth Amendment privilege and refuses to testify is a material witness in a particular party's control. In *Califano v City of New York* (212 AD2d 146 [1st Dept 1995]), the Court held that “[t]he inference to be charged in a civil case by a [nonparty] witness's invocation of the privilege against self-incrimination is ‘akin to that arising when a party fails or refuses to produce a material witness who is within his control’”

Id. at 461-462.

Neither of these two exceptions is applicable in this instance. Ms. Maxwell is not a corporation and she has no corporate employees. Mr. Epstein is not, and has never been, an employee or even an agent of Ms. Maxwell. In fact, it was Mr. Epstein who employed Ms. Maxwell in the late 90’s and early 2000’s; it was he who had employment control over her, not the opposite. In this circumstance, the purpose of the exception is not served because the non-testifying employer does not have the ability to bind his subservient former employee, nor is there any basis to believe that an employer would act to protect his employee because he has nothing (such as his job) to lose.

The second exception is equally inapplicable. Ms. Maxwell has no control of Mr. Epstein and no ability to command his testimony.² This fact is made obvious by virtue of Mr. Epstein's refusal to respond to the questions posed at the deposition by Ms. Maxwell's counsel, requiring her to file a motion to compel his testimony. ECF No. 449. Thus, under controlling New York law, use of Mr. Epstein's testimony and the concomitant adverse inference based on that testimony is prohibited.

Federal law requires the same result. The Second Circuit first addressed the question of whether an adverse inference against a party to a civil action is permitted based on a non-party's invocation of the Fifth Amendment in *LiButti v. United States*, 107 F.3d 110, 124 (2d Cir. 1997). In that case, during a bench trial the question arose whether the trial court should have drawn an adverse inference against the Plaintiff based on her father's invocation of the Fifth Amendment Privilege. The Court held that the "issue of the admissibility of a non-party's invocation of the Fifth Amendment privilege against self-incrimination in the course of civil litigation and the concomitant drawing of adverse inferences appropriately center on the circumstances of the case." *Id.* at 123. The Court then set forth a list of four non-exclusive factors that should guide a court in determination of the relevance of any testimony: 1) the nature of the relevant relationships; 2) the degree of control of the party over the non-party witness; 3) the compatibility of the interests of the party and non-party witness in the outcome of the litigation; 4) the role of the non-party witness in the litigation. *Id.* at 123-124. The Court made clear that the key consideration is trustworthiness: "[w]hether these or other circumstances unique to a

² To the extent Plaintiff claims control based on the existence of a joint defense agreement, courts have specifically ruled that such an agreement alone does not establish privity or control for purposes of the exceptions to the prohibition on giving an adverse inference instruction based on invocation by a non-party. *Omni Food Sales v. Boan*, No. 06 CIV. 119 (PAC), 2007 WL 2435163, at *4 (S.D.N.Y. Aug. 24, 2007) (discussing collateral estoppel stating joint defense agreement alone "however, it would prove only a litigation alliance; it alone would not create privity.").

particular case are considered by the trial court, the overarching concern is fundamentally whether the adverse inference is trustworthy under all of the circumstances and will advance the search for the truth.” *Id.* at 124.

As under New York law, the nature of the relationship (Mr. Epstein employing Ms. Maxwell rather than vice versa) and the lack of her control over him weigh against the trustworthiness of an adverse inference. Likewise, Mr. Epstein has no stake in the outcome of this litigation, financial or otherwise. Nor has he participated in this litigation in anyway. Rather, he completely refused to participate, moving to quash his deposition, pleading the fifth and refusing to produce documents or provide testimony.

While the *LiButti* Court was considering an adverse inference during a bench trial, it was cognizant that, after conducting the relevance evaluation, courts would also need to assess the issue of undue prejudice under Fed. R. Evid. 403, an issue not presented there because of the nature of a bench trial. *Id.* at 124. As discussed above, there is insurmountable unfair prejudice caused by presenting Plaintiff’s counsel’s “testimony” (in the form of questions) and Mr. Epstein’s invocation, even if no adverse evidence instruction is given. Plaintiff’s entire point is to confuse and mislead the jury to believe that the answers to each of the self-serving questions would be yes, even though there is no proof on the question. This is in essence simply allowing Plaintiff’s counsel to testify to their own theories, not actual facts.

If anything, an adverse inference against Plaintiff and in favor of Ms. Maxwell based on Mr. Epstein’s invocation of the Fifth Amendment is the only proper adverse inference. Plaintiff previously sued Mr. Epstein for the conduct about which he refused to answer in his deposition. As a result of that lawsuit Plaintiff received a \$500,000 settlement payment from Mr. Epstein, a matter about which Mr. Epstein refused to testify. *See Menninger Decl. Ex. C 283:5-284:17*

(Epstein Depo.). The amount of that payment, the reasons for the settlement, the nature of the claims, and the release of claims for emotional distress and other damages that mirror the alleged damages sought by Plaintiff in this matter are relevant to apportionment of any cause of Plaintiff's claimed injuries. *See Bikowicz v. Sterling Drug, Inc.*, 161 A.D.2d 982, 985, 557 N.Y.S.2d 551 (1990) (an adverse inference in favor of the defendant should have been given based on a settling joint-tortfeasors invocation of the Fifth Amendment because it was relevant to apportionment of fault and damages). If any adverse inference instruction is proper it should be an instruction that the jury should assume that Mr. Epstein's refusal to answer questions concerning his conduct toward Plaintiff should be constituted as an admission that Mr. Epstein engaged in that conduct on his own, and without the participation or knowledge of Ms. Maxwell. Plaintiff previously sued Mr. Epstein for these actions. In that action, Plaintiff claimed damages for:

Past and future physical injury, pain and suffering, emotional distress, psychological and/or psychiatric trauma, mental anguish, humiliation, confusion, embarrassment, loss of educational opportunity, loss of self-esteem, loss of dignity, invasion of privacy, separation from her family; medical and psychological expenses; loss of income, loss of capacity to earn income, and loss of the capacity to enjoy life.

The jury should assume that Plaintiff valued her damages at \$500,000 for these alleged injuries, and has received payment for her injuries from Mr. Epstein.

The designated testimony of Mr. Epstein is also fatally flawed in that it lacks any evidentiary foundation, which is impermissible when testimony of invocation is presented to a jury. Courts addressing the issue of permitting an adverse inference against a party based on the party's own invocation of their Fifth Amendment rights still permit that inference only if "independent evidence exists of the fact to which the party refuses to answer." *Doe ex rel. Rudy-Glanzer v. Glanzer*, 232 F.3d 1258, 1264 (9th Cir. 2000); *see also LaSalle Bank Lake View v.*

Seguban, 54 F.3d 387, 391 (7th Cir.1995); *Peiffer v. Lebanon Sch. Dist.*, 848 F.2d 44, 46 (3d Cir.1988). Thus, silence can only result in any inference when it “is countered by *independent evidence* of the fact being questioned, but that same inference cannot be drawn when, for example, silence is the answer to an allegation contained in a complaint.” *Doe ex rel. Rudy-Glanzer*, 232 F.3d at 1264 (citing *Nat’l Acceptance Co. v. Bathalter*, 705 F.2d 924, 930 (7th Cir.1983)). “In such instances, when there is no corroborating evidence to support the fact under inquiry, the proponent of the fact must come forward with evidence to support the allegation, otherwise no negative inference will be permitted.” *Id.* (citing *LaSalle Bank*, 54 F.3d at 391); *see also OS Recovery, Inc. v. One Groupe Int’l, Inc.*, No. 02 CIV. 8993LAK, 2005 WL 850830, at *1 (S.D.N.Y. Apr. 13, 2005) (“inference from invocation of the privilege may be appropriate only where there is independent evidence corroborating the proposition sought to be inferred”). Here, the vast majority of questions posed to Mr. Epstein lack any foundation or corroboration other than being allegations and assertions of the Plaintiff in this matter. It is Plaintiff’s burden to come forward with independent corroborating evidence for each question posed to Mr. Epstein before the court can even consider allowing presentation of the questions and invocation to a jury. Plaintiff’s complete failure to provide such evidence for the designated testimony requires that it be excluded from trial.

B. [REDACTED]

[REDACTED] was a witness in the investigation and indictment of Jeffrey Epstein in 2006. She very clearly testified in her deposition in this matter that she has little or no memory of most or all of the events surrounding the time she knew Mr. Epstein, and specifically testified that she is in therapy for the purpose of repressing any memories concerning Mr. Epstein. *See Menninger Decl. Ex. D 8:8-9:7; 57:16-58:25*. As such, the vast majority of her testimony is that she has no present recollection of events so that she cannot respond to the questions posed to her.

Plaintiff's counsel provided [REDACTED] with a copy of a statement she gave to the police in October 2005 concerning Mr. Epstein. [REDACTED] refused to look at the statement and did not authenticate it in any way. The statement itself is by definition hearsay – an out of court statement made by [REDACTED] that Plaintiff would like to offer for the truth of the matter. The only possible permissible use of the statement was for purposes of refreshing recollection under Fed. R. Evid. 612. However, [REDACTED] refused to look through the statement and had no independent recollection of events, as explained by her attorney. *See* Menninger Decl. Ex. D 16:5-18-21:23. Plaintiff's counsel made clear that he did not intend to attempt to use the police statement to refresh [REDACTED] recollection, and [REDACTED] counsel made clear that the statement would not refresh her recollection. *Id.* As such, the police report is simply an out of court statement, at best consistent with the few items of testimony that [REDACTED] could recall. Under Fed. R. Evid. 612 and 801(d)(1), no portion of the statement, including those portions read into the deposition record, are admissible into evidence.

With respect to [REDACTED] response of being unable to recall events or testify, none of the questions or answers is probative of any fact at issue in this matter, requiring exclusion under Fed. R. Evid. 401, 402 and 602 based on lack of personal knowledge. To permit the designation of leading questions with the answer that [REDACTED] could not recall violates the principles of Fed. R. Evid. 403 and 611 as well, in that the suggestive question with a non-answer confuses and misleads the jury into a belief that the attorney's question should be taken as testimonial evidence. All testimony of [REDACTED] designated testimony that 1) refers to or references the police report or contents of that report; 2) that poses a leading question; or 3) that results in a response that the witness does not recall must be excluded. Likewise, the police report itself, Exhibit 1 in the deposition, is inadmissible under Fed. R. Evid. 801 and 612.

C. Phillip Esplin

As previously explained, Dr. Esplin is a retained rebuttal expert, responding to the improper credibility opinions of Dr. Kliman and Professor Coonan. His opinions are quite limited in scope, and merely point to the deficiencies in information, studies and the evaluations of Plaintiff's two experts. Plaintiff has improperly designated testimony that relates to questions, matters and fact outside the scope of Mr. Esplin's opinion, or about which he had no factual predicate to provide testimony. For instance, he was asked questions regarding the definitions of pedophilia and if it could be cured, a matter nowhere addressed in his rebuttal opinion. If Mr. Esplin is proffered as a witness at all, Plaintiff may only cross-examine him on matters within the scope of his opinion and his direct examination. Fed. R. Evid. 611(b); *Bristol-Myers Squibb Co. v. Rhone-Poulenc Rorer, Inc.*, 2000 WL 356412, at *2 (S.D.N.Y. Apr.2, 2000) (holding that "direct testimony by any expert witness at trial shall be limited to the contents of the Expert Report"). The designated deposition testimony, all outside the scope of Dr. Esplin's expert opinion in this matter, must be precluded.

III. TESTIMONY AND STATEMENTS MADE IN OTHER MATTERS TO WHICH MS. MAXWELL WAS NOT A PARTY, WAS NOT PRESENT, HAD NO NOTICE, AND DID NOT PARTICIPATE CANNOT BE DESIGNATED IN THIS CASE

Plaintiff has attempted to designate the testimony of Alfredo Rodriguez from a deposition conducted of him on July 29, 2009 in connection with a series of cases brought by various "Jane Does" (none this Plaintiff) against Jeffrey Epstein. Mr. Rodriguez is now deceased, and thus not deposed in conjunction with the present litigation. These designations are prohibited by the Federal Rules of Evidence and Procedure. Again, Fed. R. Civ. P. 32 and Fed. R. Evid. 804 are controlling.

Under Fed. R. Civ. P. 32, a prerequisite to use of a deposition at trial is "(A) the party was present or represented at the taking of the deposition or had reasonable notice of it; (B) it is

used to the extent it would be admissible under the Federal Rules of Evidence if the deponent were present and testifying; and (C) the use is allowed by Rule 32(a)(2) through (8)."

Neither condition A nor C exist in this case. Ms. Maxwell was not a party to any of the litigations in which Mr. Rodriguez was deposed; Ms. Maxwell was neither present or given notice of the deposition. Likewise, under Rule 32(a)(8), use of a deposition from a prior proceeding is only permitted if the prior proceeding was between the same parties (it was not) and dealing with the same subject matter (it was not).

Mr. Rodriguez's prior testimony also fails to meet the hearsay exception requirements of Fed. R. Evid. 804(b)(1). Under that rule, an unavailable witness's testimony may be used only if it is "testimony that (a) was given as a witness at a trial, hearing or lawful deposition, whether given during the current proceeding or a different one; and (b) is now offered against a party who had – or in a civil case, whose predecessor in interest had – an opportunity and similar motive to develop it by direct, cross-, or redirect examination." *Id.* Plaintiff here seeks to enter the deposition testimony of Mr. Rodriguez against Ms. Maxwell, a non-party to the prior civil cases. Ms. Maxwell has no predecessor in interest in those matters, let alone ones with an opportunity or motive to develop testimony relating to a defamation case that did not arise until over 6 years later. Mr. Rodriguez's testimony through a 2009 deposition is completely unrelated to this action, is pure hearsay and does not fall under any exceptions to the hearsay rules. Fed. R. Evid. 801, 802 & 804.

One key issue about which Mr. Rodriguez was not cross-examined was his own criminal conduct which occurred after the deposition testimony he gave in those matters. Subsequent to the deposition Plaintiff proffers, Mr. Rodriguez contacted the attorneys representing the Jane Does in those matters and attempted to sell them a 97-page document. One such attorney was

Mr. Bradley Edwards, counsel in this case. According to the Criminal Complaint filed against Mr. Rodriguez in 2009, Mr. Rodriguez approached one of the lawyers and offered to sell the lawyer evidence against Mr. Epstein. *United States v. Rodriguez*, United States District Court for the Southern District of Florida, Case No. 9:09-mj-08308-LRJ, EFC No. 3, ¶¶3-7. Mr. Rodriguez “explained that he had compiled lists of additional victims in the case and their contact information” *Id.* ¶6. A sting operation was set up by the FBI during which the 97 pages purportedly were provided to an undercover officer in exchange for \$50,000. *Id.* at ¶¶ 8-11. Mr. Rodriguez subsequently was prosecuted and imprisoned for this bribery and obstruction scheme. These actions and conviction, which did not occur until after the deposition Plaintiff seeks to proffer, are quintessential character impeachment evidence that no one has ever examined Mr. Rodriguez about. Given Mr. Rodriguez’s death in 2015, it is now impossible cross examine him on these issues. Submission of Mr. Rodriguez’s testimony without the ability to confront the witness or cross-examine on him on his credibility is improper under Fed. R. Civ. P. 32(a)(8), Fed. R. Evid. 403, 405, 609, 801, 802 & 804.

The format and content of the copy of deposition produced also makes its admission improper. While nine deposition exhibits were marked for identification, only one of the exhibits has been produced. Thus, it is impossible to determine the probative value, if any, of the questioning concerning deposition exhibits (including the identification of pictures) because they are unavailable. Similarly, throughout the deposition, the persons being discussed are referred to only by a first initial or first and last initial. From the content, it is impossible to determine who is being discussed or the age of any particular individual. Under 401, 402 and 403, any admission of this incomplete deposition would be improper.

Like [REDACTED] Mr. Rodriguez was expansively questioned based on counsel's recitation of the alleged content of a recorded statement from Mr. Rodriguez to Detective Recarey and then he was asked questions regarding such statement. He was not shown the recorded statement, nor was he asked any question of his present memory prior to the reading of these statement which resulted in a need to have his recollection refreshed. Plaintiff is attempting to introduce as evidence the content of the prior consistent statement through counsel's questions, which is improper under Fed. R. Evid. Fed. R. Evid. 612 and 801(d)(1).

Further, the questions posed to Mr. Rodriguez that have been designated are almost exclusively leading questions of a non-party witness who Plaintiff intends to use as a direct witness in her case in chief. All of these questions violate Fed. R. Evid. 611(c), making these portions of the deposition inadmissible under 32(a)(1)(b).

The testimony of Mr. Rodriguez is also impermissible under 401, 401, 403 and 602 because Mr. Rodriguez has absolutely no personal knowledge of any matter at issue in this case. He testified that he worked for Mr. Epstein from September 2004 to March 2005, a full two years after Plaintiff in this matter had left the country. He stated that he had never heard of or met "V.R." (presumably Virginia Roberts) *Id.* Menninger Decl. Ex. E at 441:19-21. Based on his dates of employment, he has no personal knowledge of any events concerning Plaintiff, as pointed out to counsel in the deposition. *Id.* 277:15-278:5. Indeed, Mr. Rodriguez was very clear in testifying that he had absolutely no personal knowledge about *anything* that happened between Mr. Epstein and any of the women who came to give him massages and that his testimony is pure speculation. *Id.* 466:7-467:2. With no personal knowledge of the veracity of the allegations that were called untrue (or any other matter to which he testified) his testimony is completely irrelevant to this litigation.

CONCLUSION

For the foregoing reasons, Ms. Maxwell respectfully requests an Order of this Court excluding the deposition testimony of witnesses Jeffrey Epstein, [REDACTED], Dr. Phillip Esplin, and Rinaldo Rizzo from being introduced by Plaintiff at trial.

Dated: January 27, 2017

Respectfully submitted,

/s/ Laura A. Menninger

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CERTIFICATE OF SERVICE

I certify that on January 27, 2017, I electronically served this *DEFENDANT'S MOTION IN LIMINE TO EXCLUDE IN TOTO CERTAIN DEPOSITIONS DESIGNATED BY PLAINTIFF FOR USE AT TRIAL* via ECF on the following:

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VIRGINIA L. GIUFFRE,
Plaintiff,
v.
GHISLAINE MAXWELL,
Defendant.
-----X

15-cv-07433-RWS

**Declaration of Laura A. Menninger in Support of
Defendant's Motion *In Limine* To Exclude *In Toto* Certain
Depositions Designated By Plaintiff For Use At Trial**

I, Laura A. Menninger, declare as follows:

1. I am an attorney at law duly licensed in the State of New York and admitted to practice in the United States District Court for the Southern District of New York. I am a member of the law firm Haddon, Morgan & Foreman, P.C., counsel of record for Defendant Ghislaine Maxwell in this action. I respectfully submit this Declaration in support of Ms. Maxwell's Motion in Limine to Exclude In Toto Certain Depositions Designated by Plaintiff for Use at Trial.
2. Attached as Exhibit A (filed under seal) are true and correct copies of excerpts from the deposition of Ronald Rizzo on June 10, 2016, designated Confidential under the Protective Order.

3. Attached as Exhibit B (filed under seal) are true and correct copies of excerpts from the deposition of Detective Joseph Recarey on June 21, 2016, designated Confidential under the Protective Order.

4. Attached as Exhibit C (filed under seal) are true and correct copies of excerpts from the deposition of Jeffrey Epstein on September 9, 2016, designated Confidential under the Protective Order.

5. Attached as Exhibit D (filed under seal) are true and correct copies of excerpts from the deposition of [REDACTED] on June 20, 2016, designated Confidential under the Protective Order.

6. Attached as Exhibit E (filed under seal) are true and correct copies of excerpts from the continuous days of deposition of Alfredo Rodriguez on July 29 and August 7, 2009 designated Confidential under the Protective Order multiple and various cases.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 27, 2017.

s/ Laura A. Menninger
Laura A. Menninger

CERTIFICATE OF SERVICE

I certify that on January 27, 2017, I electronically served this *Declaration of Laura A. Menninger in Support of Defendant's Motion in Limine to Exclude In Toto Certain Depositions Designated by Plaintiff for Use at Trial* via ECF on the following:

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/s/ Nicole Simmons

Nicole Simmons

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CASE NO. 15-CV-07433-RWS

VIRGINIA L. GIUFFRE,
Plaintiff,
-against-
GHISLAINE MAXWELL,
Defendant.

_____/

250 N. Australian Avenue,
Suite 1400
West Palm Beach, Florida 33401
Friday, September 9, 2016
8:35 a.m. - 2:08 p.m.

C O N F I D E N T I A L

VIDEOTAPED DEPOSITION OF JEFFREY EPSTEIN

Taken before Darline M. West,
Registered Professional Reporter, Notary Public
in and for the State of Florida At Large,
pursuant to Notice of Taking Deposition filed
by the Plaintiff in the above cause.

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37 (Appearances continued on the next page)

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6

7 ALSO PRESENT:

8 RYAN KICK - Video Technician
9 DARLINE MARIE WEST - Court Stenographer
10

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1 J. Epstein - Confidential

2 foundation.

3 THE WITNESS: Fifth.

4 BY MR. PAGLIUCA:

5 Q. In 2009, you entered into a settlement
6 agreement with Ms. Giuffre, formerly known as
7 Ms. Roberts, the Plaintiff in this case, correct?

8 MR. CASSELL: Object to form and
9 foundation.

10 THE WITNESS: Fifth.

11 MR. GOLDBERGER: And attorney-client
12 privilege. And to the extent that there's
13 an agreement that exists that's
14 confidential, we will not waive the
15 confidentiality agreement.

16 MR. PAGLIUCA: And we can have -- you
17 can have a standing objection to that on
18 those grounds related to any question I ask
19 about the settlement agreement with
20 Ms. Giuffre, if that makes it easier.

21 MR. GOLDBERGER: Yeah. That makes it
22 easier. Thank you.

23 BY MR. PAGLIUCA:

24 Q. I've not seen the settlement agreement.
25 But let me ask you if you can tell me what the terms

1 J. Epstein - Confidential

2 of that agreement are, Mr. Epstein.

3 MR. CASSELL: Object to form and
4 foundation.

5 THE WITNESS: Fifth.

6 BY MR. PAGLIUCA:

7 Q. Does the settlement agreement contain a
8 release of any claims that Ms. Giuffre had or would
9 have against you?

10 MR. CASSELL: Object to form and
11 foundation.

12 THE WITNESS: Fifth.

13 BY MR. PAGLIUCA:

14 Q. Did the settlement agreement provide for a
15 release by you of any claims against Giuffre?

16 MR. CASSELL: Form and foundation.

17 THE WITNESS: Fifth.

18 BY MR. PAGLIUCA:

19 Q. It's true, is it not, Mr. Epstein, you have
20 no economic interest in this litigation?

21 MR. CASSELL: Form and foundation.

22 Calls for a legal conclusion.

23 THE WITNESS: Fifth.

24 BY MR. PAGLIUCA:

25 Q. And by "this litigation," I mean the

CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, the undersigned authority, certify that
JEFFREY EPSTEIN personally appeared before me and was
duly sworn on September 9, 2016.

WITNESS my hand and official seal this 13th day
of September 2016.

DARLINE MARIE WEST

Notary Public

My Commission Expires:

October 26, 2017

#FF 060662

REPORTER'S CERTIFICATE

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, DARLINE MARIE WEST, RPR, certify that I was authorized to and did stenographically report the foregoing deposition; and that the transcript is a true record thereof.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 13th day of September 2016.

DARLINE MARIE WEST, RPR

C E R T I F I C A T E

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, JEFFREY EPSTEIN, hereby certify that I have read the foregoing transcript of my deposition and that the statements contained therein, together with any additions or corrections made on the attached Errata Sheet, are true and correct.

Dated this _____ day of _____, 2016.

JEFFREY EPSTEIN

The foregoing certificate was subscribed to before me this _____ day of _____, 2016, by the witness who has produced a _____ as identification and who did not take an additional oath.

Notary Public

my commission expires: